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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

**Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)**

भारत निर्वाचन आयोग
आदेश

ELECTION COMMISSION OF INDIA
ORDERS

नई दिल्ली, 8 जून, 1979

New Delhi, the 8th June, 1979

का० आ० 2549.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आन्ध्र प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 208-पनाथनगर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मुस्तफा हुसैन, म० नं० 1-8-527 पयोगड्डे बेगुमपेट निकन्डराबाद, (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अवका स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इन असफलता के लिए कोई पर्याप्त कारण या व्यापकित्व नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मुस्तफा हुसैन को संघ के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए उस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० आ० प्र०-वि० म०/208/78(39)]

S.O. 2549.—Whereas the Election Commission is satisfied that Shri Mustafa Hussain, H. No. 1-8-527, Pattigadda Begumpet, Secunderabad (Andhra Pradesh), a contesting candidate for general election to the Andhra Pradesh Legislative Assembly held in February, 1978 from 208-Sanathnagar constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mustafa Hussain to be disqualified for being chosen as and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/208/78(39)]

नई दिल्ली, 13 जून, 1979

का० प्रा० 2550.—यतः निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आन्ध्र प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 205-इब्राहिमपटनम (अ० जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एम० सुगप्पा, सनान नं० 20-6-43, अलियाबाद, हैदराबाद (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अथ, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री एम० सुगप्पा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० आन्ध्र प०-वि० सं०/205/78(40)]

New Delhi, the 13th June, 1979

S.O. 2550.—Whereas the Election Commission is satisfied that Shri M. Sugappa, House No. 20-6-43, Aliyabad, Hyderabad (Andhra Pradesh), a contesting candidate for general election to the Andhra Pradesh Legislative Assembly held in February, 1978 from 205-Ibrahimpattanam (SC) constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri M. Sugappa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/205/78(40)]

का० प्रा० 2551.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आन्ध्र प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 227-मेडक निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जी० रामचन्द्र गौड ग्राम—मथईकोटा, टालुक—मददलवाई तालुक और जिला मेडक (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने रीति में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अथ, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री रामचन्द्र गौड को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० आ० प्र०-वि० सं०/227/78(41)]

S.O. 2551.—Whereas the Election Commission is satisfied that Shri G. Ramchandra Gond, Village Mothaikota, P. O. Maddalwai, Taluk & District Medak (Andhra Pradesh), a contesting candidate for general election to the Andhra

Pradesh Legislative Assembly held in February, 1978 from 227-Medak constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri G. Ramchandra Gond to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/227/78(41)]

नई दिल्ली, 26 जून, 1979

का० प्रा० 2552.—यतः, निर्वाचन आयोग का समाधान हो गया है कि दिसम्बर, 1977 में हुए त्रिपुरा विधान सभा के लिए साधारण निर्वाचन के लिए 25-आश्रमबाड़ी (अ० ज० जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सुबोध देब बर्मा, उत्तर महारानीपुर, खोवाई, जिला पश्चिम त्रिपुरा (त्रिपुरा राज्य) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अथ, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री सुबोध देब बर्मा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० त्रिपुरा-वि० सं०/25/77]

वी नागसुब्रमण्यन, सचिव

New Delhi, the 26th June, 1979

S.O. 2552.—Whereas the Election Commission is satisfied that Shri Subodh Deb Barma, Uttar Mahanipur, Khawal, West Tripura District (Tripura State), a contesting candidate for general election to the Tripura Legislative Assembly held in December, 1977 from 25-Ashrambari (ST) constituency, has failed to lodge an account of his election expenses required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Subodh Deb Barma to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TP-LA/25/77]

V. NAGASUBRAMANIAN, Secy.

आवेश

नई दिल्ली, 25 जून, 1979

का० प्रा० 2553.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन

लिए 26 डरी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मामू राम, गांव रमाना, रमानी, डा० बाकल, जिला कुरुक्षेत्र (हरियाणा) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मामू राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[स० हरि० वि० सं०/26/77]

ORDER

New Delhi, the 25th June, 1979.

S.O. 2553.—Whereas the Election Commission is satisfied that Shri Mamu Ram, Village Ramana, Ramani, P. O. Bakal, District Kurukshetra, (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 26-Pundri constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mamu Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/26/77]

आदेश

नई दिल्ली, 4 जुलाई, 1979

क्र० आ० 2554.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 5-पुन्ड्रा नगर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री दमीप मिह, 569, हमीदा कोली, वसुधा नगर, हरियाणा लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री दमीप मिह को संसद के किसी भी

सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[स० हरि० वि० सं०/5/77]

ORDER

New Delhi, the 4th July, 1979

S.O. 2554.—Whereas the Election Commission is satisfied that Shri Dalip Singh, 569, Hamida Colony, Yamunanagar, Haryana a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 5-Yamunanagar constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dalip Singh to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/5/77]

क्र० आ० 2555.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 34-ताहटगाँव निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री दिलसुख मान, गांव मन्दा, तह० जहाज, जिला रोहतक, हरियाणा लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री दिलसुख मान को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[स० हरि० वि० सं०/34/77]

S.O. 2555.—Whereas the Election Commission is satisfied that Shri Dilsukh Maan, Village Munda, Teh. Jhajjar, Rohtak, Haryana a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 34-

Salhawas constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dilsukh Maan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No HN-LA/34/77]

आदेश

नई दिल्ली, 9 जुलाई, 1979

का० जा० 2556.—यतः निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 262-महिपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री विजय दलाल, 22/2, गांधी मार्ग, महिपुर, जिला उज्जैन, मध्य प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तत्वीन बनाए गए नियमों द्वारा प्रेषित अपने निर्वाचन व्ययों का कोई भी लेखा साबित करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रस्ताव स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्याख्यान नहीं है !

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री विजय दलाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रस्ताव विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रदेश को तारीख से तीन वर्ष कि कालावधि के लिए निरहित घोषित करता है ।

[सं० मं० प्र० वि० मं०/262/77]

प्रारं० डॉ० जर्मा, प्रवर सचिव

ORDER

New Delhi, the 9th July, 1979

S.O. 2556.—Whereas the Election Commission is satisfied that Shri Vijay Dalal, 22/2, Gandhi Marg, Mahidpur, District Ujjain, Madhya Pradesh, a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 262-Mahidpur constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Vijay Dalal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/262/77]

R. D. SHARMA, Under Secy.

सूचि-पत्र

नई दिल्ली, 11 जुलाई, 1979

का० जा० 2557.—भारत के प्रसाधारण राजपत्र, भाग II खण्ड 3(ii) तारीख 12 सितम्बर, 1978 में का० जा० 555(प्र) के रूप में प्रकाशित निर्वाचन आयोग की तारीख 29 अगस्त, 1978 की अधिसूचना सं० 282/1/प्र० जा०/78 में—

पृष्ठ 1067—मद II (1) के सामने दूसरी पंक्ति में "104-टेपनामपेट" के स्थान पर "104 टेपनामपेट" और मद II(6) के सामने "77-कृष्णगिरी" के स्थान पर "77-कृष्णगिरी" पढ़ा जाए ।

पृष्ठ 1068—मद III (1) के सामने "7-सोमानाह केनपट्टी" के स्थान पर "7-सोमानाहकेनपट्टी" ; और मद III(6)(ii) के सामने "किया" के स्थान पर "किया" तथा मद III (7) के सामने "7-कन्नुडायामपट्टी" के स्थान पर "7-कन्नुडायामपट्टी" पढ़ा जाए ।

[सं० 282/1/पी० एन०/78/4694]

ERRATA

New Delhi, the 11th July, 1979

S.O. 2557.—In the Commission's Notification No. 282/1/TN/78, dated 29th August, 1978, published in the extraordinary issue of the Gazette of India, Part II, Section 3(ii) dated 12th September, 1978, as S.O. 555(E):—

At Page 1068—Against item I(1) for '6 Arkoram' read 'Arkonam'; and

against item II(11) for '211-Kadayanallur' read "215-Kadayanallur"

[No. 282/1/PN/78/4694]

S.O. 2558.—In the English version of the Election Commission's Notification No. 282/1/PB/78, dated 22nd January, 1979, published in the Extraordinary issue of the Gazette of India, Part II—Section 3(ii) dated 31st January, 1979 as S.O. 60(E)—

(i) At page 110 against item (5) for "37-Pandori Ram Singh" read "37-Pandori Ran Singh"; and

(ii) at the end of the notification the number of the notification may be read as "282/1/PB/78".

[No. 282/1/PB/78/4695]

S.O. 2559.—In the Election Commission's Notification No. 282/1/GJ/78, dated 7 August, 1978, published in the Extraordinary issue of the Gazette of India, Part II—Section 3(ii) dated 28th August, 1978 as S.O. 520(E)—

(i) In the third line of Para 1 of the preamble of the Notification for "spelling" read "spelling errors"; and

(ii) In the fourth line of para 3 of the preamble for "correction" read "corrections."

[No. 282/1/GJ/78-4696]

C. L. ROSE, Under Secy.

का० जा० 2580.—भारत के प्रसाधारण राजपत्र, भाग II—खण्ड 3(ii) तारीख 28 अगस्त, 1978 में का० जा० 520(प्र) के रूप में प्रकाशित

निर्वाचित आयोग की तारीख 7 अगस्त, 1978 की अधिसूचना सं० 282/1/गुज०/78 में—

पृष्ठ सं०	भाग सं०	मद सं०	स्तम्भ सं०	के लिए	पढ़ें
1	2	3	4	5	6
1014		14	4	जनसंख्या	जनसंख्या
		15	4	माधुर्यबंश	साधुर्यबंश
		15	4	मोहामा	मोहामा
		22	5	बाघोडिया	बाघोडिया
1015		14	5	पडधारी	पडधारी
		20	4	गोदल	गोदल
		50	5	गठडा	गठडा
		50	5	गठडा	गठडा
		64	5	दसकोई	दसकोई
1016		120	4	गोधा	गोधा
		128	4	कठलाल	कठलाल
		159	4	देवियाआपाड़ा	देवियाआपाड़ा
		159	4	देवियाआपाड़ा	देवियाआपाड़ा
		168	4	ओरयाव	ओरयाव
1017	परिनिष्ठ	180	5	मोटा मोठा	मोटा मोठा
		12	5	धाराधरा	धाराधरा
		95	5	थराव	थराव

[सं० 282/1/जी० जे०/78-4696]

सी० एल० रोज, प्रवर सचिव

गृह मंत्रालय

(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली, 9 जुलाई, 1979

क्रा० सं० 2561—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक तथा अनुच्छेद 148 के खंड (5) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, तथा भारतीय लेखा परीक्षा और लेखा विभाग में सेवारत व्यक्तियों के संबंध में नियंत्रक महालेखा-परीक्षक से परामर्श करने के पश्चात् केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 में और आगे संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेंशन) बूसरा संशोधन नियम, 1979 है।

(2) ये 23 सितम्बर, 1977 में प्रवृत्त हुए समझे जाएंगे।

2. केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के नियम 54 में, उपनियम (6) के पश्चात् निम्नलिखित स्पष्टीकरण जोड़ा जाएगा, अर्थात् :—

“स्पष्टीकरण :—(क) इस उपनियम के अधीन कुटुम्ब पेंशन के अनुदान के प्रयोजन के लिए केवल उस नियोग्यता को ध्यान में रखा जाएगा जो सरकारी कर्मचारी की सेवा निवृत्ति अथवा सेवा के दौरान उसकी मृत्यु से पूर्व स्वतः प्रगट हो।

(ख) पुत्री इस उपनियम के अधीन कुटुम्ब पेंशन के लिए उस तारीख में पात्र नहीं रह जाएगी जिस तारीख को उसका विवाह हो जाना है।

(ग) ऐसे पुत्र अथवा पुत्री को संवेद्य कुटुम्ब पेंशन बंध कर दी जाएगी यदि वह पुत्र या पुत्री अपनी पत्नी/पति का अर्जन प्रारम्भ कर देना/देनी है।

(घ) ऐसे मामलों में संरक्षक का कर्तव्य होगा कि वह यथास्थिति, खजाना या बैंक को, प्रति मास एक प्रमाण-पत्र दे कि (i) पुत्र अथवा पुत्री ने अपनी आजीविका का अर्जन प्रारम्भ नहीं किया है, (ii) पुत्री के मामले में, यह कि उसने अभी तक विवाह नहीं किया है।

व्यावहारिक आपन

इस अधिसूचना की तारीख 23 सितम्बर, 1977 में अर्थात् उस तारीख से जिस तारीख को यह अधिसूचना मंत्रालयों आदि में परिचालित की गई थी, किन्तु राजपत्र में प्रकाशित नहीं की गई थी, भूलकी प्रभाव दिया जा रहा है।

इन नियमों को भूलकी प्रभाव दिए जाने से किसी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ता है।

[सं० एक० 1(4) पें० ए०/79]

सीताराम अग्रवाल, प्रवर सचिव

MINISTRY OF HOME AFFAIRS

(Department of Personnel and Administrative Reforms)

New Delhi, the 9th July, 1979

S.O. 2561.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Service (Pension) Rules, 1972, namely :—

1. (1) These rules may be called the Central Civil Services (Pension) (Second Amendment) Rules, 1979.

(2) They shall be deemed to have come into force on the 23rd September, 1977.

2. In the Central Civil Services (Pension) Rules, 1972, in rule 54, after sub-rule (6), the following explanations shall be inserted, namely :—

“Explanations.—(a) Only that disability which manifests itself before the retirement or death of the Government servant while in service shall be taken into account for the purpose of grant of family pension under this sub-rule.

(b) A daughter shall become ineligible for family pension under this sub-rule from the date she gets married.

(c) The family pension payable to such a son or daughter shall be stopped if he or she starts earning his/her livelihood.

(d) In such cases it shall be the duty of the guardian to furnish a certificate to the Treasury or Bank, as the case may be, every month that (i) he or she has not started earning his/her livelihood; (ii) in case of daughter, that she has not yet married.”

EXPLANATORY MEMORANDUM

Retrospective effect to this Notification is being given from 23rd September, 1977, i.e., the date on which the Notification was circulated to the Ministries etc. but before its publication in the Official Gazette.

The interest of no one is adversely affected by retrospective application of these rules

[No. F. 1(4)-PU/79]

S. R. AGRWALA, Under Secy.

नई दिल्ली, 17 जुलाई, 1979

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 15th June, 1979

INCOME TAX

का० प्रा० 2562.—विन्नी विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, निम्नलिखित अपराधों को ऐसे अपराधों के रूप में विनिर्दिष्ट करती है, जिनकी पुलिस स्थापना द्वारा जांच की जाती है, अर्थात्—

- (क) भारतीय दण्ड संहिता (1860 का 45) की धारा 277, 325, 332, 392, 398 और 195 के अधीन दण्डनीय अपराध ;
- (ख) भारतीय रेल अधिनियम, 1890 (1890 का 9) की धारा 120 के अधीन दण्डनीय अपराध, और
- (ग) ऊपर के खण्ड (क) और (ख) में उल्लिखित एक या अधिक अपराधों के सम्बन्ध में या उनसे सम्बन्धित प्रयत्नों, बुद्धिपूर्वक तथा षड्यन्त्रों और उन्हीं तथ्यों से उत्पन्न हुई वैसी ही कार्यवाई के दौरान किया गया अन्य कोई अपराध ।

[मूद्रा 228 (9) 79-ए० वी० डी० II]

टी० के० मुक्तमणियन, अवर. सचिव

New Delhi, the 17th July, 1979

S.O. 2562.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Special Police Establishment, namely :—

- (a) offences punishable under sections 277, 325, 332, 392, 398 and 495 of the Indian Penal Code (45 of 1860);
- (b) offence punishable under section 120 of the Indian Railways Act, 1890 (9 of 1890); and
- (c) attempts, abetments and conspiracies in relation to, or in connection with, one or more of the offences mentioned in clauses (a) and (b) above, and any other offence committed in the course of the same transaction arising out of the same facts.

T. K. SUBRAMANIAN, Under Secy.

[No. 228/9/79-AVD. III]

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 15 जून, 1979

आयकर

का० प्रा० 5263.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) के अनुसरण में केन्द्रीय सरकार, एतद्वारा, श्री श्रीविलास को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है ।

2. दिनांक 8-2-1977 की अधिसूचना सं० 1614 (फा० सं० 404/27/77-आ० क० ग० क०) के अधीन श्री एन० पी० सिंह की कर वसूली अधिकारी के रूप में की गयी नियुक्ति को एतद्वारा रद्द किया जात है ।

3. यह अधिसूचना, श्री श्रीविलास के कर वसूली अधिकारी के रूप में कार्यभार संभालने की तारीख से लागू होगी ।

[फा० सं० 2861. (फा० सं० 404/125 (क० व० अ०-जयपुर)/79-आ० क० ग० क०)]

S.O. 2563.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri Srivilas being a gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. The Appointment of Shri H. P. Singh as Tax Recovery Officer made under Notification No. 1644 (F. No. 404/27/77-ITCC) dated 8th February, 1977 is hereby cancelled.

3. This Notification shall come into force with effect from the date Shri Srivilas takes over charges as Tax Recovery Officer.

[F. No. 2861 (F. No. 404/125(TRO-Bihar)/79-ITCC)]

का० प्रा० 5264.—आयकर अधिनियम 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, केन्द्रीय सरकार के राजपत्रित अधिकारी श्री माला राम को उक्त अधिनियम के अधीन, कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है ।

2. यह अधिसूचना, श्री माला राम के कर वसूली अधिकारी के रूप में कार्यभार ग्रहण करने की तारीख से लागू होगी ।

[सं० 2863 (फा० सं० 404/111 (क० व० अ०-जयपुर)-79-आ० क० ग० क०)]

S.O. 2564.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri Mala Ram being a gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri Mala Ram takes over charge as Tax Recovery Officer.

[No. 2863 (F. No. 404/111 (TRO-Jaipur)/79-ITCC)]

का० प्रा० 5265.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, भारत सरकार के राजस्व विभाग की दिनांक 16-5-79 की अधिसूचना सं० 2811 [फा० सं० 404/111 (क० व० अ०-जयपुर)/79-आ० क० ग० क०)] में निम्नलिखित संशोधन करती है अर्थात् उक्त अधिसूचना में "श्री डी० एल० यादव, श्री एम० पी० गुप्त और श्री श्रीराम" शब्दों और अक्षरों के स्थान पर "श्री डी० एल० यादव और श्री एम० पी० गुप्त" शब्द और अक्षर प्रतिस्थापित किए जाएंगे ।

[सं० 2865 (फा० सं० 404/111 (क० व० अ०-जयपुर) 79-आ० क० ग० क०)]

S.O. 2565.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Department of Revenue No. 2811 (F. No. 404/111(TRO-Jaipur)/79-ITCC dated 16-5-1979 namely in the said Notification for the words and letters "S/Shri D. L. Yadav, S. P. Gupta and Sri Ram" the words and letters "S/Shri D. L. Yadav and S. P. Gupta" shall be substituted.

[No. 2865 (F. No. 404/111(TRO-Jaipur)/79-ITCC)]

नई दिल्ली, 16 जून, 1979

का० प्रा० 2566—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (ii) का अनुसरण करते हुए, केन्द्रीय सरकार एतद्वारा, केन्द्रीय सरकार के राजपत्रित अधिकारियों श्री एम० जे० बोर्दे, श्री एस० आर० ताम्बे, श्री एस० सी० उण्डाले, श्री ए० एन० तिवारी, श्री के० एस० लुधवानी, श्री बी० टी० सिधाये, श्री बी० चेलप्पन और श्री ए० पी० थोराट को उक्त अधिनियम के अधीन, कर वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री एम० जे० बोर्दे, श्री एस० आर० ताम्बे, श्री एस० सी० उण्डाले, श्री ए० एन० तिवारी, श्री के० एस० लुधवानी, श्री बी० टी० सिधाये, श्री बी० चेलप्पन और श्री ए० पी० थोराट के कर वसूली अधिकारियों के रूप में कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं० 2868 (फा० सं० 404/28(क० व० अ०-बम्बई)/79-प्रा० क० सं० क०)]

New Delhi, the 16th June, 1979

S.O. 2566.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises S/Shri M. J. Borde, S. R. Tambe, S. C. Undale, A. N. Tiwari, K. L. Ludhwani, B. T. Sidhaye, V. Chellappan and A. P. Thorat being gazetted officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from the date S/Shri M. J. Borde, S. R. Tambe, S. G. Undale, A. N. Tiwari, K. L. Ludhwani, B. T. Sidhaye, V. Chellappan and A. P. Thorat, take over charge as Tax Recovery Officers.

[No. 2868 (F. No. 404/28(TRO-Bombay)/79-ITCC)]

का० प्रा० 2567.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय सरकार एतद्वारा, भारत सरकार के राजस्व और बीमा विभाग की दिनांक 15-2-79 की अधिसूचना सं० 2718 [फा० सं० 404/28(क० व० अ०-बम्बई)/79 प्रा० क० सं० क०] द्वारा यथासंशोधित दिनांक 4-7-75 की अधिसूचना सं० 950 (फा० सं० 404/116/75 प्रा० क० सं० क०) में निम्नलिखित संशोधन करना है अर्थात्, उक्त अधिसूचना में

“श्री टी० बी० अचिन्दानी, श्री बी० एन० सन्तानी, श्री एन० के० बाम, श्री टी० एम० खादतारे, श्री मणि राजगोपालन, श्री के० ए० भुरने श्री एन० के० अथावले तथा श्री पी० नारायणन्”, “शब्दों और अक्षरों के स्थान पर “श्री बी० एन० सन्तानी, श्री एन० के० बाम, श्री टी० एम० खादतारे, श्री मणि राजगोपालन, श्री एन० के० अथावले, तथा श्री पी० नारायणन्” शब्द और अक्षर प्रतिस्थापित किये जायेंगे।

[सं० 2870 (फा० सं० 404/28(क० व० अ०-बम्बई)/79-प्रा० क० सं० क०)]

S.O. 2567.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Department of Revenue and Insurance No. 950 (F. No. 404/116/75-ITCC) dated 4-7-75 as amended by Notification No. 2718 (F. No. 404/28(TRO-Bombay)/79-ITCC) dated 15-2-79 namely in the said Notification for the words and letters “S/Shri T. B. Abichandani, B. N. Santani, N. K. Bam, T. M. Khadtare, Mani Rajagopalan, K. H. Bhurane, L. K. Athavle and P. Narayanan” the words and letters “S/Shri B. N. Santani, N. K. Bam, T. M. Khadtare, Mani Rajagopalan, L. K. Athavle and P. Narayanan” shall be substituted.

[No. 2870 (F. No. 404/28(TRO-Bombay)/79-ITCC)]

का० प्रा० 2568.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, भारत सरकार के राजस्व और बीमा विभाग की दिनांक 15-2-79 की अधिसूचना सं० 2712 [फा० सं० 404/28 (क०

व० अ०-बम्बई)/79—प्रा० क० सं० क०] द्वारा यथा संशोधित दिनांक 5-10-70 की अधिसूचना सं० 1513 (फा० सं० 404/178/70) में निम्नलिखित संशोधन करना है, अर्थात्, उक्त अधिसूचना में—

“श्री आर० एन० गुर्नानी, श्री एम० जी० शस्त्री, श्री जी० ए० हेग्दे हेग्दे, श्री का० पी० दीक्षित, श्री पी० के० कल्याण, श्री एम० जे० सोलंकी, श्री एम० एम० नेवरेकर, श्री आर० जी० चिप्लुंकार, श्री एम० के० उदासी, श्री एम० डी० समेल” शब्दों और अक्षरों के स्थान पर “श्री आर० एन० गुर्नानी, श्री जी० ए० हेग्दे, श्री बी० पी० दीक्षित, श्री पी० के० कल्याण, श्री एम० जे० सोलंकी, श्री एम० एम० नेवरेकर, श्री आर० जी० चिप्लुंकार, श्री एम० के० उदासी” शब्द और अक्षर प्रतिस्थापित किये जायेंगे।

[सं० 2872 (फा० सं० 404/28(क० व० अ०-बम्बई)/79-प्रा० क० सं० क०)]

S.O. 2568.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in Notification of the Government of India in the Department of Revenue and Banking No. 1513 (F. No. 404/178/70 dated 5-10-70 as amended by Notification No. 2712 (F. No. 404/28(TRO-Bombay)/79-ITCC) dated 15-2-79 namely; in the said Notification for the words and letters, “S/Shri R. L. Gurnani, S. G. Shastri, G. A. Hedge, Hegde, V. P. Dikshit, P. K. Kalyan, M. J. Solanki, M. S. Nevrekar, R. G. Chiplunkar, M. K. Udasi, S. D. Samel the words and letters “S/Shri R. L. Gurnani, G. A. Hedge, Hegde, V. P. Dikshit, P. K. Kalyan, M. J. Solanki, M. S. Nevrekar, R. G. Chiplunkar, M. K. Udasi,” shall be substituted.

[No. 2872 (F. No. 404/28(TRO-Bombay)/79-ITCC)]

का० प्रा० 2569.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में श्री भारत सरकार, राजस्व एवं बीमा विभाग की दिनांक 12-11-75 की अधिसूचना सं० 1150 (फा० सं० 404/116/75 प्रा० क० सं० क०) के अधिलेखन में, केन्द्रीय सरकार, एतद्वारा केन्द्रीय सरकार के राजपत्रित अधिकारी श्री डब्ल्यू० एम० अन्द्रादे, को उक्त अधिनियम के अधीन, कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना, श्री डब्ल्यू० एम० अन्द्रादे के कर वसूली अधिकारी के रूप में कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं० 2874 (फा० सं० 404/28(क० व० अ०-बम्बई)/79—प्रा० क० सं० क०)]

S.O. 2569.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of the Notification of the Government of India in Department of Revenue and Insurance No. 1150 (F. No. 404/116/75-ITCC) dated 12-11-75 the Central Government hereby authorises Shri W. M. Andrade being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri W. M. Andrade takes over charge as Tax Recovery Officer.

[No. 2874 (F. No. 404/28(TRO-Bombay)/79-ITCC)]

नई दिल्ली, 18 जून, 1979

का० प्रा० 2570.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में और भारत सरकार के राजस्व विभाग की दिनांक 13 नवम्बर, 1978 की अधिसूचना सं० 2501 (फा० सं० 404/167/77-प्रा० क० सं० क०) के अधिलेखन में केन्द्रीय सरकार, एतद्वारा, श्री भरीश कुमार को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अधीन कर वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना श्री भरीश कुमार के कर वसूली अधिकारी के रूप में कार्यभार संभारन की तारीख से लागू होगी।

[सं० 2876 (फा० सं० 404/127/(क० व० अ०-आगरा)/79-प्रा० क० सं० क०)]

New Delhi, the 18th June, 1979

S.O. 2570.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) and in supersession of the Notification of the Government of India Department of Revenue No. 2501 (F. No. 404/167/77-ITCC) dated 13-9-78 the Central Government hereby authorises Shri Saroj Kumar being a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri Saroj Kumar takes over charge as Tax Recovery Officer.

[F. No. 2876 (F. No. 404/127(TRO-Agra)/79-ITCC)]

कां.प्रा. 2571—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में और भारत सरकार के राजस्व विभाग की दिनांक 26 जुलाई, 1977 की अधिसूचना सं. 1900 (फा.सं. 404/167/77-प्रा.क.सं.क.) के अधिनियम में केन्द्रीय सरकार, एतद्वारा श्री इन्द्रजीत शर्मा को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना, श्री इन्द्रजीत शर्मा के कर वसूली अधिकारी के रूप में कार्यभार संभालने की तारीख से लागू होगी।

[सं. 2878 (फा.सं. 404/127/(क.व.अ.प्रा.ग.)/79-प्रा.क.सं.क.)]

S.O. 2571.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of the Notification of the Government of India, Department of Revenue No. 1900 (F. No. 404/167/77-ITCC) dated 26-7-77 the Central Government hereby authorises Shri Inderjeet Sharma being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri Inderjeet Sharma takes over charge as Tax Recovery Officer.

[No. 2878 (F. No. 404/127(TRO-Agra)/79-ITCC)]

नई दिल्ली, 26 जून, 1979

कां.प्रा. 2572—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में केन्द्रीय सरकार एतद्वारा, केन्द्रीय सरकार के राजपत्रित अधिकारी श्री बेक स्टीफन को उक्त नियम के अधीन कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. श्री केवल कृष्ण की दिनांक 7-7-78 की अधिसूचना सं. 2392 (फा.सं. 404/101/78 प्रा.क.सं.क.) के अन्तर्गत कर वसूली अधिकारी के रूप में की गई नियुक्ति एतद्वारा निरस्त की जाती है।

3. यह अधिसूचना, श्री बेक स्टीफन के कर वसूली अधिकारी के रूप में कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं. 2893 (फा.सं. 404/3/क.व.अ.प्रा.दिल्ली/79-प्रा.क.सं.क.)]

एच. वेण्कटरामन, उप-सचिव

New Delhi, the 26th June, 1979

S.O. 2572.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri Beck Stephen being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. The appointment of Shri Kewal Krishan as Tax Recovery Officer, made under Notification No. 2392 (F. No. 404/101/78-ITCC) dated 7-7-1978, is hereby cancelled.

3. This Notification shall come into force with effect from the date Shri Beck Stephen takes over charge as Tax Recovery Officer.

[No. 2893 (F. No. 404/3(TRO-DLI)/79-ITCC)]

H. VENKATARAMAN, Dy. Secy.

प्रत्यक्ष कर प्रभाग

नई दिल्ली, 10 जुलाई, 1979

कां.प्रा. 2573—राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10 के अधिनियम (4) के अनुसरण में, केन्द्रीय सरकार एतद्वारा अधिसूचित करती है कि आयकर आयुक्त कार्यालय बम्बई, के कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है।

[फा. सं. ई. 11017/60/78-प्रा.ग.]

रामा कान्त, प्रवर सचिव

DIRECT TAXES DIVISION

New Delhi, the 10th July, 1979

S.O. 2573.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies that the employees of the Commissioner of Income Tax, Bombay, have acquired the working knowledge of Hindi.

[F. N. E-11017/60/78-AD-IX]

RAMA KANT, Under Secy.

आयकर आयुक्तका विभाग का बंगला

नागपुर, 5 जुलाई, 1979

कां.प्रा. 2574—वित्तीय वर्ष 1978-79 के दौरान ₹ 10 लाख से अधिक के शुद्ध घन (नेट वेल्यु) पर जिन व्यक्तियों का निर्धारण हुआ है, उनकी सूची नीचे दी गई है। (संकेत) (I) में प्रस्थिति (स्टेटस) बताई गई है और हममें व्यक्ति (इंडिविजुअल) के लिए "व्य" और हिन्दू अधिभक्त परिवार (एन्डोयूज) के लिए "हिन्दू" (II) निर्धारण वर्ष (III) विवरण में दर्शाया गया घन। निर्धारित घन (IV) निर्धारिणी द्वारा वेधकर निर्धारिणी द्वारा भरा गया कर :

- | | |
|--|--|
| 1. सेठ प्यारबंस केशरीमल पोरवाल, नागपुर | (i) हिन्दू (ii) 1980-81 (iii) ₹ 13,28,910, ₹ 19,21,006 (iv) ₹ 10,710, ₹ 8,939। |
| 2. ---वही--- | (i) हिन्दू (ii) 1982-83, (iii) ₹ 15,27,545 ₹ 21,07,660, (iv) ₹ 24,690, ₹ कुछ नहीं। |
| 3. ---वही--- | (i) हिन्दू (ii) 1983-84, (iii) ₹ 15,05,872, ₹ 21,63,587, (iv) ₹ 28,090, ₹ 14,120। |
| 4. ---वही--- | (i) हिन्दू (ii) 1964-65 (iii) ₹ 12,65,818, ₹ 16,35,990. (iv) 19,220 ₹ कुछ नहीं। |
| 5. ---वही--- | (i) हिन्दू (ii) 1985-86 (iii) ₹ 4,10,200, ₹ 19,58,670, (iv) ₹ 7,673, ₹ 733। |
| 6. ---वही--- | (i) हिन्दू (ii) 1966-67 (iii) ₹ 4,07,440, ₹ 13,31,570 (iv) ₹ 13,130, ₹ 1,158 |
| 7. ---वही--- | (i) हिन्दू (ii) 1967-68 (iii) ₹ 4,53,036, ₹ 13,03,345 (iv) ₹ 10,545 ₹ 903। |
| 8. ---वही--- | (i) हिन्दू (ii) 1988-89 (iii) ₹ 6,45,809, ₹ 13,98,050, (iv) ₹ 14,460, ₹ 3,173। |
| 9. ---वही--- | (i) हिन्दू (ii) 1969-70 (iii) ₹ 4,67,020, ₹ 13,18,138, (iv) ₹ 14,455, ₹ 1,867। |
| 10. ---वही--- | (i) हिन्दू (ii) 1970-71 (iii) ₹ 3,45,030, ₹ 14,39,455, (iv) ₹ 13,985, ₹ 500। |
| 11. ---वही--- | (i) हिन्दू (ii) 1971-72 (iii) ₹ 4,01,636, ₹ 13,119,030, (iv) ₹ 22,570, ₹ 920। |

12.	—बही—	(i) हिमप (ii) 1972-73 (iii) रु० 4,71,550 रु० 14,82,640 (iv) रु० 29,660 रु० 28,360 ।	28. मास्टर मिलिजी चिटणबीस, चिटणबीस पुरा, महाल, नागपुर	(i) "ब्य" (ii) 1976-77 (iii) रु० 14,02,300 रु० 14,29,825 (iv) रु० 35,762 रु० 35,762 ।	
13. स्व० रतनाबाई पोरवाल बेध बारिस श्री नेमकुमार पोरवाल, कामठी		(i) "ब्य" (ii) 1967-68 (iii) रु० 3,90,922 रु० 10,08,449 (iv) रु० 7,170 रु० कुछ नहीं ।	29.	—बही—	(i) "ब्य" (ii) 1977-78 (iii) रु० 13,63,380 रु० 13,69,294 रु० (iv) 22,422 रु० 22,422 ।
14.	—बही—	(i) "ब्य" (ii) 1968-69 (iii) रु० 4,67,190 रु० 11,37,845 (iv) रु० 9,755 रु० कुछ नहीं ।	30.	—बही—	(i) "ब्य" (ii) 1978-79 (iii) रु० 13,95,400 रु० 14,01,543 (iv) रु० 23,208 रु० 23,208 ।
15.	—बही—	(i) "ब्य" (ii) 1969-70 (iii) रु० 5,61,195 रु० 12,41,379 (iv) रु० 10,527 रु० कुछ नहीं ।	31. श्री जी० ए० चिटणबीस, चिट- णबीसपुरा, महाल, नागपुर		(i) हिमप (ii) 1974-75 (iv) रु० 27,47,900 रु० 24,84,595 (iv) रु० 1,08,768 रु० 1,08,768 ।
16.	—बही—	(i) "ब्य" (ii) 1970-71 (iii) रु० 4,49,342 रु० 12,72,254 (iv) रु० 11,300 रु० 1,935 ।	32. श्रीमती उपरानी बजाज, बर्धा		(i) "ब्य" (ii) 1975-76 (iii) रु० 11,57,600 रु० 11,62,400 (iv) रु० 26,495 रु० 26,495 ।
17.	—बही—	(i) "ब्य" (ii) 1971-72 (iii) रु० 2,87,800 रु० 13,10,563 (iv) रु० 20,327 रु० 1,887 ।	33. श्री गीरब्रदास माहता, हिंगन- वाट ।		(i) "ब्य" (ii) 1976-77 (iii) रु० 11,05,100 रु० 11,06,000 (iv) रु० 24,240 रु० 24,240 ।
18.	—बही—	(i) "ब्य" (ii) 1972-73 (iii) रु० 2,54,023 रु० 10,94,884 (iv) रु० 17,847 रु० 2,695 ।	34.	—बही	(i) "ब्य" (ii) 1977-78 (iii) रु० 12,05,799 रु० 12,00,100 (iv) रु० 18,750 रु० 18,750 ।
19.	—बही—	(i) "ब्य" (ii) 1973-74 (iii) रु० 27,028 रु० 11,07,743 (iv) रु० 18,230 रु० कुछ नहीं ।	35. राहुलकुमार बजाज, बर्धा		(i) हिमप (ii) 1977-78 (iii) रु० 15,30,300 रु० 15,30,300 (iv) 39,810 रु० 39,810 ।
20. श्री नेमकुमार पोरवाल स्व० प्यारबंद केजरीमल पोरवाल, कामठी के स्टेट के निष्पादक		(i) "ब्य" (ii) 1973-74 (iii) रिटर्न नहीं रु० 10,71,050 (iv) रु० 17,115 रु० कुछ नहीं ।	36. श्रीमती उमादेवी प्रप्रवाल, बर्धा		(i) "ब्य" (ii) 1977-78 (iii) रु० 12,83,700 रु० 12,83,700 (iv) 20,844 रु० 20,844 ।
21.	—बही—	(i) "ब्य" (ii) 1974-75 (iii) रिटर्न नहीं रु० 11,22,677 (iv) रु० 18,664 रु० कुछ नहीं ।	37. श्रीमती जानकीदेवी बाजाज, बर्धा		(i) "ब्य" (ii) 1978-79 (iii) रु० 12,20,500 रु० 12,20,500 (iv) रु० 19,263 रु० 19,263 ।
22. श्री लक्ष्मण श्रीवल्लभ, प्रमरा- वती ।		(i) हिमप (ii) 1966-67 (iii) रु० 19,13,258 रु० 19,30,940 (iv) रु० 36,700 रु० 36,700 ।	38. श्री गीरजकुमार बजाज, बर्धा		(i) "ब्य" (ii) 1975-76 (iii) रु० 19,53,800 रु० 19,57,000 (iv) रु० 76,560 रु० 76,560 ।
23.	—बही—	(i) हिमप (ii) 1967-68 (iii) रु० 18,54,746 रु० 18,92,130 (iv) रु० 35,889 रु० 35,889 ।	39.	—बही—	(i) "ब्य" (ii) 1976-77 (iii) रु० 21,81,400 रु० 21,91,000 (iv) रु० 95,282 रु० 95,282 ।
24.	—बही—	(i) हिमप (ii) 1968-69 (iii) रु० 12,74,616 रु० 14,20,250 (iv) रु० 21,815 रु० 21,815 ।	40.	—बही—	(i) "ब्य" (ii) 1977-78 (iii) रु० 29,72,400 रु० 29,54,900 (iv) रु० 77,173 रु० 77,173 ।
25. श्री ए० ए० मोहरी, बल्लार- पुर ।		(i) "ब्य" (ii) 1977-78 (iii) रु० 11,30,775 रु० 11,95,600 (iv) रु० 18,640 रु० 18,640 ।	41. श्री प्रार० ए० चन्हाटेकर, बर्धा		(i) हिमप (ii) 1975-76 (iii) रु० 9,40,500 रु० 10,46,600 (iv) रु० 21,864 रु० 17,685 ।
26. श्री ए० ए० मोहरी, द्वारा मै० पिम्पेस्ट प्रोडक्शंस प्रा० लि० रोप कोलाबा, बम्बई		(i) हिमप (ii) 1977-78 (iii) रु० 8,58,738 रु० 11,41,400 (iv) रु० 26,200 रु० 26,200 ।			
27. श्री जी० ए० चिटणबीस, चिट- णबीस पुरा, महाल, नागपुर		(i) "ब्य" (ii) 1977-78 (iii) रु० 10,18,800 रु० 10,84,203 (iv) रु० 15,468 रु० 15,468 ।			

[क्रा० सं० तक्र/287-42 ए/78-29]

Office of the Commissioner of Income-tax

Nagpur, the 5th July, 1979

S.O. 2574—Following is the list of persons who have been assessed to net wealth over Rs. 10 lakhs during the financial year 1978-79, (Indication) (i) Status 'I' for Individuals and 'H' for HUF (ii) Assessment year (iii) for wealth returned/wealth assessed (iv) for tax Payable by the assesses/Tax paid by the assesses :

1. Seth Pyarchand Keshrimal Porwal, Nagpur.	(i) H (ii) 1960-61 (iii) Rs. 13,28,910 Rs. 19,21,006 (iv) Rs. 10,710 Rs. 8,939.	18. -do-	(i) I (ii) 1972-73 (iii) Rs. 2,54,023 Rs. 10,94,884 (iv) Rs. 17,847 Rs. 2,695.
2. -do-	(i) H (ii) 1962-73 (iii) Rs. 15,27,545 Rs. 21,07,660 (iv) Rs. 24,690 Rs. NIL.	19. -do-	(i) I (ii) 1973-74 (iii) Rs. 27,028 Rs. 11,07,743 (iv) Rs. 18,230 Rs. NIL.
3. -do-	(i) H (ii) 1963-74 (iii) Rs. 15,05,872 Rs. 21,63,587 (iv) Rs. 26,090 Rs. 14,120.	20. Shri Nemkumar Porwal Executors of the Estate of Late Pyarchand Keshrimal Porwal Kamptee.	(i) I (ii) 1973-74 (iii) No return Rs. 10,71,050, (iv) Rs. 17,115 Rs. NIL.
4. -do-	(i) H (ii) 1964-65 (iii) Rs. 12,65,818 Rs. 16,35,990 (iv) Rs. 19,220 Rs. Nil.	21. -do-	(i) I (ii) 1974-75 (iii) No return Rs. 1,22,677, (iv) Rs. 18,664 Rs. NIL.
5. -do-	(i) H (ii) 1965-66 (iii) Rs. 4,10,200 Rs. 19,58,670 (iv) Rs. 7,673 Rs. 733.	22. Shri Takhatmal Shrivallabh Amravati.	(i) H (ii) 1966-67 (iii) Rs. 19,13,256, Rs. 19,30,930 (iv) 36,700, Rs. 36,700.
6. -do-	(i) H (ii) 1966-67 (iii) Rs. 4,07,440 Rs. 13,31,570, (iv) 13,130 Rs. 1,158.	23. -do-	(i) H (ii) 1967-68 (iii) Rs. 18,54,746, Rs. 10,92,130 Rs. 35,889, Rs. 35,889.
7. -do-	(i) H (ii) 1967-78 (iii) Rs. 4,53,036 Rs. 13,03,345 (iv) Rs. 10,545 Rs. 903.	24. -do-	(i) H (ii) 1968-69 (iii) Rs. 12,74,616, Rs. 14,20,250, (iv) Rs. 21,815, Rs. 21,815.
8. -do-	(i) H (ii) 1968-69 (iii) Rs. 6,45,809 Rs. 13,98,050 (iv) Rs. 14,460 Rs. 3,173.	25. Shri M.L. Ohri, Ballarpur	(i) I (ii) 1977-78 (iii) Rs. 11,30,775, Rs. 11,95,600 (iv) Rs. 18,640, Rs. 18,640.
9. -do-	(i) H (ii) 1969-70 (iii) Rs. 4,67,020 Rs. 13,18,133 (iv) 14,455 Rs. 1, 867.	26. Shri H.L. Ohari, C/o M/s Pigments & Dyestuffs Pvt. Ltd., Rope Colaba, Bombay.	(i) H (ii) 1977-78 (iii) Rs. 8,58,738 Rs. 11,41,400, (iv) Rs. 26,200, Rs. 26,200.
10. -do-	(i) H (ii) 1970-71 (iii) Rs. 3,45,030 Rs. 13,39,455 (iv) Rs. 14,985 Rs. 2500.	27. Shri G.M. Chitnavis, Chitnavispura, Mahal, Nagpur.	(i) I (ii) 1977-78 (iii) Rs. 10,18,900 Rs. 10,84,203, (iv) Rs. 15,468, Rs. 15,468.
11. -do-	(i) H (ii) 1971-72 (iii) Rs. 4,01,636 Rs. 13,19,030 (iv) Rs. 22,570 Rs. 920.	28. Master Milinji Chitnavis Chitnavispura, Mahal, Nagpur.	(i) I (ii) 1976-77 (iii) Rs. 14,02,300 Rs. 14,29,825 (iv) Rs. 35,762 Rs. 35,762.
12. -do-	(i) H (ii) 1972-73 (iii) Rs. 4,71,550 Rs. 14,82,640 (iv) Rs. 29,660 Rs. 28,360.	29. Master Milinji Chitnavis Chitnavispura, Mahal, Nagpur.	(i) I (ii) 1977-78 (iii) Rs. 13,63,380 Rs. 13,69,294 (iv) Rs. 22,422 Rs. 22,422.
13. Late Ratanabai Porwal, L/H Shri Nemkumar Porwal Kamptee	(i) I (ii) 1967-68 (iii) Rs. 3,90,922 Rs. 10,08,449 (iv) Rs. 7,710 Rs. Nil.	30. -do-	(i) I (ii) 1978-79 (iii) Rs. 13,95,400 Rs. 14,01,543, (iv) Rs. 23,208, Rs. 23,208.
14. -do-	(i) I (ii) 1968-69 (iii) Rs. 4,67,190 Rs. 11,37,845 (iv) Rs. 9,755 Rs. NIL.	31. Shri G.M. Chitnavis, Chitnavispura, Mahal, Nagpur.	(i) H (ii) 1974-75 (iii) Rs. 27,47,900 Rs. 24,84,595 (iv) Rs. 19,78,768, Rs. 1,08,768.
15. -do-	(i) I (ii) 1969-70 (iii) Rs. 5,61,195/ Rs. 12,41,379 (iv) Rs. 10,527 Rs. NIL.	32. Smt. Ruparaj Bajaj, Wardha.	(i) I (ii) 1975-76 (iii) Rs. 11,57,600 Rs. 11,62,400 (iv) Rs. 26,495 Rs. 26,495.
16. -do-	(i) I (ii) 1970-71 (iii) Rs. 4,49,342/ Rs. 12,72,254 (iv) Rs. 11,300 Rs. 1,935/.	33. Shri Girdhardas Mohota, Higanghat.	(i) I (ii) 1976-77 (iii) Rs. 11,05,100 Rs. 11,06,000 (iv) Rs. 24,240 Rs. 24, 240.
17. -do-	(i) I (ii) 1971-72 (iii) Rs. 2,87,800 Rs. 13,10,563 (iv) Rs. 20,327 Rs. 1,887.	34. -do-	(i) I (ii) 1977-78 (iii) Rs. 12,05,700 Rs. 12,00,100 (iv) Rs. 18,750, Rs. 18,750.
		35. Rahulkumar Bajaj, Wardha.	(i) H (ii) 1977-78 (iii) Rs. 15,30,300 Rs. 15,30,300 (iv) Rs. 39,810 Rs. 39,810.
		36. Smt. Umadevi Agrawal Wardha.	(i) I (ii) 1977-78 (iii) Rs. 12,83,700 Rs. 12,83,700 (iv) Rs. 20,844 Rs. 20,844.

37. Smt. Jankidevi Bajaj, Wardha.	(i) I (ii) 1978-79 (iii) Rs. 12,20,500 Rs. 12,20,500 (iv) Rs. 19,263 Rs. 19,263.
38. Shri Nirajkumar Bajaj, Wardha.	(i) I (ii) 1975-76 (iii) Rs. 19,53,800 Rs. 19,57,000 (iv) Rs. 76,560 Rs. 76,560.
39. -do-	(i) I (ii) 1976-77 (iii) Rs. 21,81,400 Rs. 21,91,000 (iv) Rs. 95,282 Rs. 95,282.
40. -do-	(i) I (ii) 1977-78 (iii) Rs. 29,72,400 Rs. 29,54,900 (iv) Rs. 77,173 Rs. 77,173.
41. Shri R.N. Awhatekar, Wardha.	(i) H (ii) 1975-76 (iii) Rs. 9,40,500 Rs. 10,46,600 (iv) Rs. 21,864 Rs. 17,685.

[F. No. Tech/287/42-A/78-79]

का० प्रा० 2575—नीचे दी गई सूची में वित्तीय वर्ष 1978-79 के दौरान निर्धारितियों के नाम और अन्य विवरण दिखाए गए हैं। इस सूची की अनुसूची I में ऐसे व्यक्ति (इन्डिविजुअल) और हिन्दू अविभक्त परिवार (एच० यू० एफ०) जिनकी आय 2 लाख रुपये से अधिक निर्धारित की गई है, उन्हें दिखाया गया है और अनुसूची II में ऐसी फर्म, व्यक्ति समूदाय (ए० ओ० पी०) और कंपनियां जिनकी आय 10 लाख रुपये से अधिक निर्धारित की गई है, दिखाया गया है। इसमें (I) में हैसियत (स्टेटस) बताई गई है और व्यक्ति के लिए "व्य" हिन्दू अविभक्त परिवार के लिए "हिप्रप" पंजीकृत फर्म के लिए "पफ" व्यक्ति समूदाय के लिए "व्यस" और कंपनियों के लिए "क" से इंगित किया गया है और (II) में निर्धारण वर्ष (III) में विवरणों में वसूली गई आय (IV) में निर्धारित आय (V) से देकर, (VI) में निर्धारितों द्वारा भरा गया कर बताया गया है:—

अनुसूची I

1. श्री एच० एन० मुलतानी पार्टनर (I) "व्य" (II) 1978-79 (III) में प्रयोद इलेक्ट्रिकल स्टोर्स, नागपुर।	र० 2,12,270 (IV) र० 2,15,180 (V) र० 1,24,554 (VI) र० 2,29,467।
2. श्री उमार्शंकर लोहा, कामठी	(I) हिप्रप (II) 1968-70 (III) र० 13,775 (IV) र० 3,71,740 (V) र० 2,232 (VI) कुछ नहीं।
3. श्री उमार्शंकर लोहा, कामठी	(I) हिप्रप (II) 1970-71 (III) र० 68,445 (IV) र० 2,11,590 (V) र० 35,572 (VI) कुछ नहीं।
4. श्री पूरनलाल अग्रवाल, प्रोप्रा० प्रकाश ट्रेडर्स, इमामवाड़ा, नागपुर	(I) "व्य" (II) 1978-79 (III) र० 2,35,540 (IV) र० 2,36,500 (V) र० 1,39,265 (VI) र० 1,39,265

अनुसूची-II

कुछ नहीं

[का० सं० तक/287/42-ए/78-79]

S.O. 2575—Following is the list of the names and other particulars of the assesses namely Individuals and HUFs assessed on an income over Rs. 2 lakhs in Schedule I, and Firms, A.O.Ps. and Companies assessed on an income over Rs. 10 lakhs in Schedule II, during the Financial year 1978-79 ; (i) Indicates status 'I' for Individuals, 'H' for Hindu Undivided families

'R.F.' for Register Firms 'AOP' for Association of persons and Co., for Companies (ii) for assessment year (iii) for Income returned (iv) for income assessed (v) for tax payable (vi) for tax paid by the assessee :

SCHEDULE I

1. Shri H.L. Multhani P/o M/s Allied Electrical Stores, Nagpur.	(i) I (ii) 1978-79 (iii) Rs. 2,12,270 (iv) Rs. 2,15,180 (v) Rs. 1,24,554 (vi) 2, Rs. 29,467.
2. Shri Umashankar Lohya, Kamptee.	(i) H (ii) 1969-70 (iii) Rs. 13,775 (iv) Rs. 3,71,740 (v) Rs. 2,232 (vi) Rs. NIL.
3. Shri Umashankar Lohya, Kamptee.	(i) H (ii) 1970-71 (iii) Rs. 68,445 (iv) Rs. 2,11,590 (v) Rs. 35,572 (vi) Rs. NIL.
4. Shri Pooranlal Agarwal Prop : Prakash Traders, Imamwada, Nagpur.	(i) I (ii) 1978-79 (iii) Rs. 2,35,540 (iv) Rs. 2,36,500 (v) Rs. 1,39,265 (vi) Rs. 1,39,265.

SCHEDULE II

NIL

[F. No. Tech/287/42-A/78 79]

का० प्रा० 2526.—नीचे दी गई सूची में वित्तीय वर्ष 1978-79 के दौरान जिन व्यक्तियों पर कम से कम र० 5,000 की शास्ति (पेनाल्टी) लगाई गई थी, उनके नाम दिखाए गए हैं। इसमें (I) में हैसियत (स्टेटस) बताई गई है और इसमें व्यक्ति के लिए "व्य" हिन्दू अविभक्त परिवार के लिए "हिप्रप" पंजीकृत फर्म के लिए "पफ" अर्प-जीकृत फर्म के लिए "अपफ" कंपनी के लिए "क" और सहकारी समिति (को ऑपरेटिव सोसायटी) के लिए "सम" व्यक्ति समूदाय के लिए "व्यस" से इंगित किया गया है और (II) में निर्धारण वर्ष (III) में शास्ति (पेनाल्टी) की रकम (IV) में द्वारा जिसके अंतर्गत शास्ति लगाई गई थी, दिखाए गए हैं:—

1. श्री बीडी अण्ड भलाई टोर्बेको (I) "क" (II) 1974-75 (III) प्राइवेट प्रा० लि०, कामठी	र० 69,300 (IV) 271 (1) (ए)
2. श्री बीडी अण्ड भलाई टोर्बेको (I) क (II) 1975-76 (III) र० प्राइवेट प्रा० लि०, कामठी।	31,185 (IV) 271 (1) (ए)
3. —वही— (I) क (II) 1976-77 (III) र०	6,930 (IV) 271 (1) (ए)
4. —वही— (I) क (II) 1974-75 (III) र०	10,000 (IV) 273 (ए)।
5. —वही— (I) क (II) 1975-76 (III) र०	10,000 (IV) 273 (ए)
6. —वही— (I) क (II) 1976-77 (III) र०	25,000 (IV) 273 (ए)
7. श्री किमतराम राधाकिशन अण्ड क०, इतबारी, नागपुर	(I) व्यस (II) 1958-59 (III) र० 27,000 (IV) 271 (1) (सी)
8. —वही— (I) व्यस (II) 1959-60 (III) र०	41,000 (IV) 271 (1) (सी)

9. मे० किमत्राम राधाकिशन (I) पयस (II) 1960-61 (III) 8,000 (IV) 271 (1) (सी)
10. —वही— (I) पयस (II) 1961-62 (III) 21,000 (IV) 271 (1) (सी)
11. —वही— (I) पयस (II) 1962-63 (III) 10,000 (IV) 271 (1) (सी)
12. —वही— (I) पयस (II) 1964-65 (III) 13,000 (IV) 271 (1) (सी)
13. —वही— (I) पयस (II) 1964-65 (III) 15,672 (IV) 271 (1) (ए)

[फा० सं० तक०/287/42/ए/78-79]

ए० बी० रामन, आयकर प्रायुक्त

S. O. 2576.—Following is the list of persons on whom penalty not less than Rs. 5,000 was imposed during the financial year 1978-79 (i) Indicating Status 'I' for Individual, 'H' for H.U.Fs. 'RF' for Registered firm, 'URF' for Un-Registered firm, 'Co' for Companies and 'STY' for Co-operative Society, 'AOP' for association of persons (ii) for assessment year (iii) amount of penalty (iv) Section under which penalty was imposed :

1. M/s Bidi and Allied Tobacco Products Pvt. Ltd., Kamptee. (i) Co. (ii) 1974-75 (iii) Rs. 69,300 (iv) 271 (1) (a).
2. -do- (i) Co. (ii) 1975-76 (iii) Rs. 31,185 (iv) 271 (1) (a).
3. -do- (i) Co. (ii) 1976-77 (iii) Rs. 6,930 (iv) 271 (1) (a).
4. -do- (i) Co. (ii) 1974-75 (iii) Rs. 10,000 (iv) 273 (a).
5. -do- (i) Co. (ii) 1975-76 (iii) Rs. 10,000 (iv) 273 (a).
6. -do- (i) Co. (ii) 1976-77 (iii) Rs. 25,000 (iv) 273 (a).
7. M/s. Kimatram Radhakishan & Co. Itwari, Nagpur. (i) AOP (ii) 1958-59 (iii) Rs. 27,000 (iv) 271 (1) (c).
8. -do- (i) AOP (ii) 1959-60 (iii) Rs. 41,000 (iv) 271 (1) (c).
9. -do- (i) AOP (ii) 1960-61 (iii) Rs. 8,000 (iv) 271 (1) (c).
10. -do- (i) AOP (ii) 1961-62 (iii) Rs. 21,000 (iv) 271 (1) (c).
11. -do- (i) R.F. (ii) 1962-63 (iii) Rs. 10,000 (iv) 271 (1) (c).
12. -do- (i) R.F. (ii) 1964-65 (iii) Rs. 13,000 (iv) 271 (1) (c).
13. -do- (i) R.F. (ii) 1964-65 (iii) Rs. 15,672 (iv) 271 (1) (a).

[F. No. Tech. 287/42-A/78-79]

A. V. RAMAN, Commissioner of Income-tax

वाणिज्य, नागरिक पूर्ति तथा सहकारिता मंत्रालय

(मुख्य निर्यातक आयात निर्यात का कार्यालय)

आदेश

नई दिल्ली, 10 जुलाई, 1979

फा० सं० 2577.—सर्वश्री एम० पी० क्रोनिकल इंग्लिश डेली, रायपुर कोर यू०एम०ए० से फायट्स और मैट्रिक्स सहित स्टैंडर्ड उपकरण और उपमाधिका के साथ तीन री-कंडीशनड लिनोटाइप मशीनों के आयात के लिये 4,03,584 रु० का एक आयात लाइसेंस सं० पी०/सी०जी०/2073697/सी०/एक्स०एक्स०/68/77/सी०जी०-3 दिनांक 31-8-1978 प्रदान किया गया था। अब उन्होंने उक्त लाइसेंस की अनुमति प्रति के लिये इस आधार पर आवेदन किया है कि मूल लाइसेंस (सीमा-युक्त और मुद्रा विनियम नियंत्रण प्रति) किसी भी सीमा-युक्त अधिकारी के पास पंजीकृत कराये बिना अवस्था बिल्कुल भी उपयोग में लाये बिना ही खो गई है। अपने अनुरोध के समर्थन में आवेदक ने एक शपथ-पत्र दाखिल किया है।

तदनुसार, मैं संतुष्ट हूँ कि मूल लाइसेंस (दोनों प्रतियाँ) खो गया है इतलिये, समय-समय पर यथा-संशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-1955 की उपधारा 9(सी०सी०) के अन्तर्गत प्रवृत्त अधिकारी का प्रयोग करने हुए, सर्वश्री एम०पी० क्रोनिकल, इंग्लिश डेली, रायपुर को जारी किया गया उक्त लाइसेंस सं० पी०/सी०जी०/2073697/सी०/एक्स०एक्स०/68/एज०/77/सी०जी०-3 दिनांक 31-8-1978 एन०द्वारा रद्द किया जाता है।

[एफ० सं० सी०जी०/3/1233/78/48]

जी० एस० ग्रेवाल, उप मुख्य निर्यातक, आयात-निर्यात
हूने मुख्य निर्यातक, आयात-निर्यात

MINISTRY OF COMMERCE, CIVIL SUPPLIES AND COOPERATION

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 10th July, 1979

S.O. 2577.—M/s. M. P. Chronicle English Daily Raipur, were granted an import licence No. P/CG/2073697/C/XX/68/H/77/CG. III dated 31-8-1978 for Rs. 4,03,584 for import of Three Re-conditioned linotype machines with standard Equipment and accessories including Fonts and Matrices from USA. They have now applied for a duplicate copy of the said licence on the ground that the original licence (Customs and Exchange Control copy) has been lost without having been registered with any Customs Authority or utilised at all. In support of their request the applicant has filed an affidavit.

I am accordingly satisfied that the original licence (both copies) has been lost. Therefore in exercise of the powers conferred under sub-clause 9 (cc) of the imports Control order 1955 dt. 7-12-1955 as amended from time to time the said licence No. P/CG/2073697/C/XX/68/H/77/CG. III dt. 31-8-1978 issued to M/s. M. P. Chronicle, English Daily, Raipur is hereby cancelled.

[F. No. CGIII/1233/78/48]

G. S. GREWAL, Dy. Chief Controller of Imports & Exports
for Chief Controller of Imports & Exports
(वाणिज्य विभाग)

नई दिल्ली, 11 जुलाई, 1979

(तम्बाकू उद्योग विकास निबंधन)

फा० सं० 2578.—तम्बाकू बोर्ड नियम, 1976 के नियम 3 तथा के साथ पठित तम्बाकू बोर्ड अधिनियम, 1975 (1975 का 4)

की धारा 4 की उपधारा (4) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार श्री एम०पी० अग्रवाल, संयुक्त निदेशक, वाणिज्य विभाग, वाणिज्य, नागरिक पूर्ति तथा सहकारिता मंत्रालय, नई दिल्ली, को श्री अरुण कुमार, उप-सचिव, वाणिज्य विभाग के तबादले के कारण हुए रिक्त स्थान में सम्बाकू बोर्ड के सदस्य के रूप में नियुक्त करती है और भारत सरकार के वाणिज्य, नागरिक पूर्ति तथा सहकारिता मंत्रालय (वाणिज्य विभाग) की अधिसूचना सं० का०प्रा० 100(ड) दिनांक 19-2-1979 में और प्राये निम्नलिखित सन्वोधन करती है, अर्थात् :—

2 उपयुक्त अधिसूचना में “धारा 4 की उपधारा (4) के खण्ड (ग) के उपखंड (ii) के अधीन नियुक्ति” शीर्षक के नीचे क्रमांक 6 तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रमांक तथा प्रविष्टियां प्रतिस्थापित की जायेंगी, अर्थात् :—

“6. श्री एम०पी० अग्रवाल,	सदस्य
संयुक्त निदेशक,	वाणिज्य से संबंधित
वाणिज्य विभाग,	मंत्रालय का प्रति-
उद्योग भवन, नई दिल्ली।	निधित्व करने के लिए।

[सं० 8/11/79-ई०पी० (एसी०-6)]

श्री प्रकाश गुप्त, डेस्क अधिकारी

(Department of Commerce)

New Delhi, the 11th July, 1979

(Tobacco Industry Development Control)

S.O. 2578.—In exercise of the powers conferred by clause (C) of sub-section (4) of section 4 of the Tobacco Board Act, 1975 (4 of 1975), read with rules 3 and 4 of the Tobacco Board Rules, 1976, the Central Government hereby appoints Shri S. P. Aggarwal, Joint Director, Department of Commerce, Ministry of Commerce, Civil Supplies and Co-operation, New Delhi, as Member of the Tobacco Board in the vacancy caused by the transfer of Shri Arun Kumar, Deputy Secretary, Department of Commerce and makes the following further amendment in the notification of the Government of India, in the Ministry of Commerce, Civil Supplies and Cooperation (Department of Commerce) No. S. O. 100(E) dated 19-2-1979, namely :—

2. In the said notification, under the heading “Appointment under sub-clause (ii) of clause (C) of sub-section (4) of section 4”, for Serial No. 6 and the entries relating thereto, the following Serial No. and entries shall be substituted, namely :—

“6. Shri S.P. Aggarwal,	Member—
Joint Director,	To represent the
Department of Commerce,	Ministry dealing with
Udyog Bhawan,	Commerce.”
New Delhi.	

[No. 8/11/79-EP(Agri. vi)]

O.P. GUPTA, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 16 जुलाई, 1979

का० प्रा० 2579—भारतीय आयुर्विज्ञान परिषद नियम, 1957 के नियम 2 के खण्ड (घ) का पालन करने हुए केन्द्रीय सरकार पंजाब राज्य में भारतीय आयुर्विज्ञान/परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (i) के खण्ड (ग) के अंतर्गत भारतीय

आयुर्विज्ञान परिषद के सदस्य का निर्वाचन कराने के लिए डा० एच० के० लाल, उप-निदेशक, अनुसंधान एवं चिकित्सा शिक्षा निदेशालय, पंजाब, चंडीगढ़ को एतद्वारा, ‘निर्वाचन अधिकारी’ नियुक्त करती है।

[सं० बी० 11013/9/79-एम० ई० (पी०)]

आशाशर्मा, उप सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 16th July, 1979

S.O. 2579.—In pursuance of clause (d) of rule 2 of the Indian Medical Council Rules, 1957, the Central Government hereby appoints Dr. H. K. Lal, Deputy Director, Directorate of Research and Medical Education, Punjab, Chandigarh, as ‘Returning Officer’ for the conduct of election of a member to the Medical Council of India under clause (c) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) in the State of Punjab.

[No. V. 11013/9/79-M.E. (Policy)]

ASHA SHARMA, Dy. Secy.

कृषि और सिंचाई मंत्रालय

(खाद्य विभाग)

प्रादेश

नई दिल्ली, 28 जून, 1979

का०प्रा० 2580—फruit उत्पाद आदेश, 1955 के खण्ड 2(छ) द्वारा प्रदत्त शक्तियों के अनुसरण में और केन्द्रीय सरकार के पूर्व अनुमोदन से, मैं दयानन्द, निदेशक (फruit तथा सब्जी परिरक्षण), खाद्य तथा पोषाहार बोर्ड, खाद्य विभाग, कृषि और सिंचाई मंत्रालय, नई दिल्ली, श्री एम० भाटिया, उप-निदेशक (क० तथा म०प०) खाद्य विभाग, नई दिल्ली को अनुमान अधिकारी की शक्तियों का प्रयोग करने का एतद्वारा अधिकार देता हूँ।

[सं०-9/31/79-एफ०एन०बी०-IV]

दयानन्द, निदेशक (फruit तथा सब्जी परिरक्षण)

खाद्य तथा पोषाहार बोर्ड

MINISTRY OF AGRICULTURE AND IRRIGATION

(Department of Food)

ORDER

New Delhi, the 28th June, 1979

S.O. 2580.—In pursuance of the powers conferred by clause 2(g) of the Fruit Product Order, 1955 and with the prior approval of the Central Government, I, Daya Nand, Director, (Fruit and Vegetables Preservation), Food and Nutrition Board, Department of Food, Ministry of Agriculture and Irrigation, New Delhi, hereby empower Shri M. Bhatia, Deputy Director (F&VP), Department of Food, New Delhi, to exercise the powers of the Licensing Officer.

[No. 9/31/79-FNB IV]

DAYA NAND, Director

(Fruit and Vegetables Preservation)

Food and Nutrition Board

आदेश

नई दिल्ली, 9 जुलाई, 1979

का० प्रा० 2581 :—अतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपापत्ति निदेशालयों और खाद्य विभाग के वेतन तथा सेवा कार्यालयों द्वारा किए जाने वाले खाद्यान्नों के क्रय, भंडारण, मंचलन, परिवहन, वितरण तथा विक्रय के कृत्यों का पालन करना बंद कर दिया है जो कि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खाद्य निगम के कृत्य हैं।

और यतः, खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपापत्ति निदेशालयों और खाद्य विभाग के वेतन तथा सेवा कार्यालयों में कार्य कर रहे और उपरिर्णित कृत्यों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्युत्तर में उसमें विनिर्दिष्ट तारीख के अन्तर्गत भारतीय खाद्य निगम के कर्मचारी न बनने के अपने आशय को उक्त अधिनियम की धारा 12ए की उपधारा (1) के परन्तुक द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः अब खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा अद्यतन संशोधित की धारा 12ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित कर्मचारियों को प्रत्येक के सामने दी गई तारीख से भारतीय खाद्य निगम में स्थानान्तरित करती है :—

क्रम सं०	अधिकारी/कर्मचारी का नाम	केन्द्रीय सरकार के अधीन स्थायी पद	केन्द्रीय सरकार के अधीन स्थानान्तरण के समय पद	भारतीय खाद्य निगम की स्थापना के तारीख
1	2	3	4	5
1.	श्री आर० के० बंसल	उ०श्रे० नि०	उ०श्रे० नि०	17-4-69
2.	श्री एल० डी० पाल सिंह	उ०श्रे० नि०	उ०श्रे० नि०	17-4-69
3.	श्री राम मूर्ति	उ०श्रे० नि०	उ०श्रे० नि०	12-5-70

[सं० 52/5/79-एफ० सी० III]

एस० एल० कम्बोह, प्रवर सचिव

ORDER

New Delhi, the 9th July, 1979

S.O. 2581.—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directorates of Food, the Procurement Directors and the Pay & Accounts Officers of the Department of Food which under Section 13 of Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India ;

And Whereas the following officers and employees serving in the Department of Food, the Regional Directorate of Food, the Procurement Directorates and the Pay & Accounts Offices of the Department of Food and engaged in the performance

of the functions mentioned above have not, in response to the Circular of the Central Government dated the 16th April, 1971 intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub-Section (1) of Section 12A of the said Act ;

Now, therefore, in exercise of the powers conferred by Section 12A of the Food Corporations Act, 1964 (37 of 1964) as amended upto date the Central Government hereby transfer the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them.

Sl. No.	Name of the Officer/ employees	Permanent posts held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer to the F.C.I.
1	2	3	4	5
1.	Sh. R.K. Bansal	U.D.C.	U.D.C.	17-4-69
2.	Sh. L.D. Pal Singh	U.D.C.	U.D.C.	17-4-69
3.	Shri Ram Murti	U.D.C.	U.D.C.	12-5-70

[No. 52/5/79-FC.III]

S.L. KAMBOH, Under Secy.

नई दिल्ली, 10 जुलाई, 1979

का० प्रा० 2582 :—सरकारी स्वतः (अराधिकृत अधिकारियों की देखभाल) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार नीचे के स्तम्भ (1) में वर्णित अधिकारी को, जो एक निगमित प्राधिकरण, भारतीय खाद्य निगम का अधिकारी है और जो भारत सरकार के राजपत्रित अधिकारी की पंक्ति के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिये सम्पदा अधिकारी नियुक्त करती है। वह उक्त सराणी के स्तम्भ (2) में विनिर्दिष्ट उक्त निगम के या उसके द्वारा या उसकी ओर से पट्टे पर लिये गये अधिग्रहीत स्थानों की बाबत, अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदाभिधान	सरकारी स्थानों के प्रत्येक और अधिकारिता की स्थानीय सीमायें
1	2
उप-प्रशासनिक प्रबन्धक, भारतीय खाद्य निगम, कलकत्ता।	कलकत्ता में भारतीय खाद्य निगम के या उसके द्वारा या उसकी ओर से पट्टे पर लिये गए या अधिग्रहीत स्थान।

[सं० 27/2/77-एफ० सी०-II]

के०सी०एस०. आचार्य, संयुक्त सचिव

New Delhi, the 10th July, 1979

S. O. 2582.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of unauthorised occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer of the Food Corporation of

India, a corporate authority and being an officer equivalent to the rank of a gazetted officer of the Government of India, to be an Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed, on the Estate Officer by or under the said Act, within the local limits of his jurisdiction, specified in column (2) of the said Table, in respect of the premises belonging to, or taken on lease or requisitioned by or on behalf of, the said Corporation.

TABLE

Designation of Officer	Categories of public premises and local limits of jurisdiction.
1	2
Deputy Zonal Manager, Food Corporation of India, Calcutta.	Premises belonging to or taken on lease, or requisitioned by or on behalf of the Food Corporation of India in Calcutta.

[No. 27/2/77-FC. II]

K. C. S. ACHARYA, Jt. Secy.

(कृषि अनुसंधान और शिक्षा विभाग)

नई दिल्ली, 6 जुलाई, 1979

क्र.सं. 2583—मूल नियमों के नियम 45 के अनुसरण में राष्ट्रपति, एतद्वारा भारतीय कृषि अनुसंधान संस्थान (निवास स्थानों का आबंधन) पुनरीक्षण नियम, 1977 जो भारत सरकार (कृषि अनुसंधान तथा शिक्षा विभाग) द्वारा अपने दिनांक 20 मई, 1977 को सं.एम.ओ. 2125 भारत के राजपत्र, भाग-II, खण्ड 3, उपखण्ड (ii) दिनांक 25 जून, 1977 में प्रकाशित किए गए थे और जो भारत सरकार के भूतपूर्व वित्त विभाग के दिनांक 4 फरवरी, 1922 के पत्र सं. 104-सी.एम. आर. का एक भाग है उन्हें पुनः संशोधित करने हेतु निम्नलिखित नियम बनाने हैं, अर्थात्:—

- (1) इन नियमों का नाम भारतीय कृषि अनुसंधान संस्थान (निवास स्थानों का आबंधन) संशोधन नियम, 1978 होगा।
- (2) ये राजपत्र में प्रकाशित होने की तिथि से प्रवृत्त होंगे।

2. भारतीय कृषि अनुसंधान संस्थान (निवास स्थानों का आबंधन) नियम 1977 में, अनुसूची II में "भारतीय कृषि अनुसंधान संस्थान में निवास स्थानों का आबंधन" शीर्षक तालिका में सब सं. 5, के सामने स्तम्भ 2 में "सम्पदा और प्रोटोकॉल अधिकारी" लिखे गये शब्दों के साथ निम्नलिखित शब्द जोड़े जायेंगे, अर्थात्:—

"प्रशिक्षण सुरक्षा अधिकारी, जैसा भी भारतीय कृषि अनुसंधान संस्थान के निदेशक द्वारा निर्णय किया जाये।"

[सं. एक. 3-1/69-ई.ई.ओ.-4]

एम.आर. जिनल, अवर सचिव

(Department of Agricultural Research and Education)

New Delhi, the 6th July, 1979

S.O. 2583.—In pursuance of rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the Indian Agricultural Research Institute (Allotment of Residences) Rules, 1977, published with the notification of the Government of India (Department of Agricultural Research and Education), No. S. O. 2125, dated the 20th May, 1977, in the Gazette of India, Part II—Section 3—sub-section (ii), dated the 25th June, 1977, and forming part of the Supplementary Rules, issued under the Government of India, late Finance Department, letter No. 104-C.S.R., dated the 4th February, 1922, namely:—

- (1) These rules may be called the Indian Agricultural Research Institute (Allotment of Residences) Amendment Rules, 1979.

- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Agricultural Research Institute (Allotment of Residences) Rules, 1977, in Schedule II, in the table under the heading 'Reservation of Residences at Indian Agricultural Research Institute,' against item number 5, in column 2, after the words "Estate and Protocol Officer", the following words shall be inserted, namely:—

"Or the Security Officer, as may be decided by the Director, Indian Agricultural Research Institute".

[No. F. 3-1/69-E.E. IV]

M. R. JINDAL, Under Secy.

बिज्ञान और प्रौद्योगिकी विभाग

नई दिल्ली, 9 जून, 1979

क्र.सं. 2584: राष्ट्रपति, मूल नियमों के नियम 45 के अनुसरण में, उक्त मूल नियमों के अधीन बनाये गये अनुपूर्व नियमों के भाग 8 के प्रभाग 20-क ज में अस्पष्टिष्ट भारतीय सर्वेक्षण सम्पदा में सरकारी निवासों का आबंधन नियम 1974 में और संशोधन करने के निम्नलिखित नियम बनाने हैं, अर्थात्:—

- (1) इन नियमों का अधिकार नाम भारतीय सर्वेक्षण सम्पदा में सरकारी निवासों का आबंधन (द्वितीय संशोधन) नियम, 1979 है।

- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. भारतीय सर्वेक्षण सम्पदा में सरकारी निवासों का आबंधन नियम, 1974 के नियम अनु.नि. 317-क ज —12 के उपनियम (2) के तालिका की सारणी में क्रम सं. X और XI तथा उनसे सम्बंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम सं. और प्रविष्टियाँ रखी जायेंगी, अर्थात्:—

"(X) भारत में या (क) यदि अधिकारी अपने हक से तालिका की भारत से बाहर अध्ययनार्थ वास सुविधा के अधिभाग में है तो अध्ययनार्थ छुट्टी की पूर्ण अवधि के लिये,

(ख) यदि कोई अधिकारी अपने हक की टाहप की वास सुविधा के अधिभाग में है तो अध्ययनार्थ छुट्टी की अवधि के लिये यदि ऐसी अध्ययनार्थ छुट्टी छह मास से अधिक की नहीं है।

परन्तु जहाँ अध्ययनार्थ छुट्टी छह मास से अधिक है, वहाँ उसे छह मास के अवसान पर या यदि वह ऐसा चाहे तो अध्ययनार्थ छुट्टी के प्रारंभ की तारीख से उस टाहप से तालिका की टाहप में अनुकूलनी वाससुविधा आबंधित की जा सकती है।

- (XI) भारत से बाहर प्रतिनियुक्ति की अवधि के लिये जो छह मास से अधिक न हो।

[क्र.सं. 29-1/79-एस.एम.पी.]

मेहताब सिंह, उप सचिव

DEPARTMENT OF SCIENCE AND TECHNOLOGY

New Delhi, the 19th June, 1979

S.O. 2584.—In pursuance of rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the Allotment of Government Residences in the Survey of India Estates Rules, 1974 contained in Division XXV-AH of Part VIII of the supplementary Rules, made under the series Fundamental Rules, namely:—

- (1) These rules may be called the Allotment of Government Residences in the Survey of India Estates (Second Amendment) Rules, 1979.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Allotment of Government Residences in the Survey of India Estates Rules, 1974, in the table below sub-rule (2) of rule SR-317-AH-12, serial number X and XI and the entries relating thereto, the following serial numbers and entries shall be substituted namely :—

- | | |
|---------------------------------------|--|
| “(x) Study leave in or outside India. | (a) In case the officer is in occupation of accommodation below his entitlement for the entire period of study leave.
(b) In case the officer is in occupation of his entitled type of accommodation, for the period of study leave if such study leave does not extend beyond six months. Provided that where the study leave extend beyond six months, he may be allotted alternative accommodation, one type below his entitlement, on the expiry of six months or if he so desires, from the date of commencement of the study leave. |
| (xi) Deputation outside India. | For the period of deputation not exceeding six months.” |

[F. No. 29-1/79-SMP.]

MAHTAB SINGH, Dy. Secy.

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 18 जुलाई, 1979

क्रा० प्रा० 2585.—केन्द्रीय सरकार एतद्वारा उस समयावधि को, जिसके कि अंदर-अंदर भारत सरकार के पर्यटन और नागर विमानन मंत्रालय की अधिसूचना सं० ए० बी० 15013/6/79-ए०, दिनांक 28 अप्रैल, 1979 द्वारा नियुक्त की गयी जांच समिति को उपर्युक्त अधिसूचना में निर्दिष्ट मामलों की जांच पूरी करने तथा केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत करने की आशा की, और आगे बढ़ा कर 30, सितम्बर, 1979 करती है।

[क्रा० सं० ए० बी० 15013/6/79-ए०]

एस० एकाम्बरम्, उप सचिव

MINISTRY OF TOURISM & CIVIL AVIATION

New Delhi, the 18th July, 1979

S.O. 2585.—The Central Government hereby further extends upto the 30th September, 1979, the period of time within which the Committee of Inquiry appointed by the Government of India in the Ministry of Tourism and Civil Aviation vide Notification No. Av. 15013/6/79-A dated 28th April, 1979 will be expected to complete its inquiry into the matters specified in the Notification mentioned above, and report to the Central Government.

[F. No. Av. 15013/6/79-A]

S. EKAMBARAM, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 6th July, 1979

S.O. 2586.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of New South Baraboni Colliery of Bhanora Sub-Area of Eastern Coalfields Limited, P.O. Charanpur, District Burdwan and their workmen which was as received by the Central Government on 30th June, 1979.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : CALCUTTA

Reference No. 32 of 1976

PARTIES :

Employers in relation to the management of New South Baraboni Colliery,

AND

Sri Sudhir Kumar Nandi.

APPEARANCE :

On behalf of the Employers

Sri N. Das, Advocate, with

Sri D. Gangopadhyay, Sr. Personnel Officer

On behalf of the workman

Sri A. K. Lal Gupta, Advocate.

State : West Bengal

Industry : Coal Mines

AWARD

By an order No. L-19012/15/76-D III B dated 25th November, 1976, the Government of India, Ministry of Labour, referred an industrial dispute existing between the employers in relation to the management of New South Baraboni Colliery and Sri Sudhir Kumar Nandi, to this Tribunal, for adjudication. The reference reads :

“Whether the management of New South Baraboni Colliery of Bhanora Sub-Area of Eastern Coal fields Ltd. P.O. Charanpur, Dist. Burdwan was justified in stopping the work of Shri Sudhir Kumar Nandi, General Clerk-cum-Typist with effect from 17-5-73 ? If not, what relief the workman is entitled to ?”

2. The case of the concerned workman is that he was employed by Messrs Amiya Bala Ghosh & Sons, a partnership firm, the erstwhile owners of New South Baraboni Colliery in their central office at Asansol as a clerk-cum-typist from 9th April, 1971. His services were transferred to the mine site in the last part of December, 1972. He claims that he was working in that capacity on May 1, 1973, the appointed day within the meaning of Coal Mines Nationalisation Act, 1973. He claims that his service conditions are protected under Section 14(1) of the said Act. He is therefore an employee under the management and the management is not justified in denying him employment with effect from 17th May, 1973. It remains to be stated that the Coal Mines (Taking over of Management) Ordinance, 1973 came into force on January 30, 1973 and the management of the mine vested in the Central Government on and from the appointed day, i.e. January 31, 1973.

3. The management raised certain objections to the maintainability of the Reference but those objections were not pressed at the hearing. The only issue which has to be tried is whether the concerned workman was in employment of the erstwhile owners in the colliery on 31st January, 1973, the appointed day. It was not disputed that if he was so employed, he was entitled to the benefit of Section 14(1) of the Coal Mines Nationalisation Act, 1973 and thereby he became an employee of the Central Government or the Government Company with effect from May 1, 1973 on the same terms and conditions which governed his employment under the erstwhile owners.

4. In support of his case that he was in employment of the erstwhile owners, the concerned workman relied on a letter of appointment dated 2nd April, 1971 by which the erstwhile

effect from 9th April, 1971 on a consolidated salary of Rs. 205/- per month, Ext. W-2. He also relied on a certificate granted by the Manager of the erstwhile owner to the effect that he worked as clerk-cum-typist at the Head office of the firm at Asansol from 9th April, 1971 to 30th December 1972 when his service was transferred to the New South Baraboni Colliery (W-1).

5. There is no dispute that the management of the New South Baraboni Colliery was actually taken over by the custodian in February 1973. Subsequently, the mine was acquired under the coal Mines Nationalisation Act, 1973 on 1st May, 1973. The concerned workman was stopped from working in the said mine with effect from 17th May, 1973. It was contended on behalf of the management that the mine was a closed mine at the time its management was taken over. In support of that contention the management relied on the Annual Return submitted by the management for the year ending December, 1972, Ext. M-4. In the Return, the entire output of the mine for the year appeared to be 336 tonnes and the total quantity despatched 168 tonnes only. In the return raising are not shown month by month. In any event, the total raisings for the year appear to have been negligible and it is quite possible, although there is no evidence on this question, that whatever raisings were there, were made in the earlier part of the year. The management also relied on the minutes of the proceedings of a meeting of the Consultative Committee of the Colliery held in the office of the Custodian, on 17th March, 1973 which was signed by the Custodian, the Agent, one G. Das and Sri S. K. Ghose, the Manager. It may be stated that Sri S. K. Ghose the husband of Smt. Amiyubal Ghose, one of the partners was the Manager of the colliery before take-over of the mine and also for sometime thereafter. At the date of the meeting, he was the manager. In the minutes of the meeting it was recorded that it was decided to restart the mine from 23rd March, 1973. It was also recorded in the minutes that after take over, on the first day after the mine was re-started 16 labourers were employed. The implication is that at the time of take over, the mine had ceased to function.

6. Having regard to the decision to restart the mine and the fact that the annual Return submitted on behalf of the colliery for the year 1972, Ext. M-4, showed that raisings were negligible, it is not unreasonable to conclude that raisings had for all practical purposes ceased and the mine was not functioning as a running concern at the time when the management was taken over by the state. This fact has a certain relevance on the question at issue as will appear later.

7. From the Payment of Wages Register, Ext. M-2, it appears that in December 1972 the colliery had only four employees, namely, Sri S. K. Ghose, Manager, Sri A. K. Duttamauri, Overman, Sri T. R. Shome, Mining Sirdar and Sri P. Pal, Register-keeper-cum-Office Superintendent. It also appears from the Register that in April and May, 1972 there were only three employees S. K. Ghose, T. R. Shome and P. Pal and from June, 1972 to December, 1972 there were four employees, the forsaidd three and Sri S. K. Duttamauri. The Coal Mines (Taking Over of Management) Ordinance, 1973 came into force in January, 1973. In the entries in the Payment of Wages Register for the month of January 1973 the number of employees shown as fourteen i.e. those four whose names had appeared in December, 1972 and ten others. The name of the concerned workman is amongst the ten new names. It is not unreasonable to ask the question what was the reason for this sudden increase in the number from four to fourteen, particularly when according to evidence of documents to which reference has already been made, the mine had for all practical purposes ceased to function. It has to be borne in mind that even after the Custodian had taken over the management of the mine in February, 1973 the Manager under the erstwhile owners Sri S. K. Ghose as well as the Register-keeper-cum-Office Superintendent Sri P. Pal continued to hold their old offices. The books and documents of the colliery were under their control and supervision. It was submitted on behalf of the management that taking advantage of the situation, the number of employees was inflated in January, 1973 by including the names of a number of people in the Payment of Wages Register to enable them to obtain employment.

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8. It is necessary in this connection to look closely into the minutes of the meeting of the Consultative Committee held on 17th March, 1973 to which the Manager Sri S. K. Ghose is a signatory. It is recorded there that the monthly paid staff on roll appeared to be inflated (Ext. M-1) as it showed employment of the following persons, who it appears, were surplus to the requirement and hence not considered :

1. Sri Sudhir Nandi, Typist Clerk. There was no Typewriter in the colliery office and no evidence of Clerical job done by Sri Nandi was available. He was given appointment from 30-12-72.
2. Sri A. K. Pal—Asstt. Register Keeper. There was no evidence that he had worked as Register Keeper. Since only shift was worked he was surplus to the requirement.
3. Sri C. S. Mandal—Seems to be a lately employed as his date of appointment was 30-12-72. Hence he was not considered.

Sri S. K. Ghose, the Manager, under the erstwhile owners who also happened to be the husband of one of the partners and father of other partners, deposed on behalf of the concerned workman. Sri Ghose may be presumed to have had full knowledge of the state of affairs of the colliery not only before but even after it was taken over by the State. His signature on these minutes is prima-facie evidence that he associated himself with what is recorded in the minutes. It is true that in the minutes it is stated that the members present were Mr. P. C. Shyam, Custodian, Mr. R. Choudhury, Agent, Bhanora and Mr. G. Das. Those were names of the members present. The minutes do not say that the members were the only persons present. Sri S. K. Ghose, the Manager might not have been a member but he appeared to have been present at the meeting. It was argued by the learned advocate appearing on behalf of the Union that the Manager was merely an attesting witness. In support of his argument he relied on a statement made by Mr. Ghose in re-examination. There he said that he did not participate in the discussion. He only signed because he was the Manager. It is not a little strange that he did not say this in his examination in-chief. It is not recorded in the minutes that he signed the minutes as a witness. There is also no reason why the minutes which have been signed by the members should require a witness. Be that as it may the fact that he was not merely a witness to the proceedings is borne out by his evidence that he did not record his opinion that Sri Sudhir Nandi, the concerned workman, was not surplus. If he were merely a witness and had no right to participate in the discussion there could have been no occasion for his recording the opinion that Nandi was not surplus. Moreover, he said that the case of Sri Nandi was considered at this meeting and he was not absorbed on the ground recorded there. It is also difficult to believe Sri Ghose when he says that the word "inflated" in the minutes has been used by inadvertence. If he did not participate in the meeting he could not have possibly expressed the opinion that something was recorded by inadvertence. I am firmly of opinion that he not only participated in the discussion but also associated himself with the proceedings and the decisions taken at the meeting in acknowledgement of which he subscribed his signature to the minutes.

9. An argument was sought to be made that the fact that Nandi was surplus shows that he was in fact an employee. The fact remains that even after nationalisation he was working in the colliery on the assumption that he was a bonafide employee under the erstwhile owners on the appointed day. The question might very well arise whether he was surplus or not. Whether the number of employee was inflated by including his name is a separate question. The question is not whether he was surplus or not but whether he was at all a bonafide employee under the erstwhile owners on the date of take over the management of the colliery or on the date the colliery vested in the Government or in the Government company. According to the minutes of the meeting no evidence was available of any clerical job having been done by Sri Nandi. This is a fact which tends to establish that Nandi was not an employee of the colliery at the material time but he had inducted himself into the service of the colliery.

10. On behalf of the concerned workman reliance was placed on two Inspection Reports of P. K. Bhattacharjee, Inspector, Coal Mines Provident Fund. Those are of 11th March, 1973, Ext. W-6 and 19th April, 1973 Ext. W-3. In the earlier report, Mr. Bhattacharya recorded that as per Payment of Wages Register for January, 1973 produced before him it was found that 14 monthly paid employees had been working in the colliery. Up to December as per the same register only four employees were on the rolls out of which two were members of the Provident Fund Account. He then recorded that wages of ten employees were being paid by vouchers by the owners. Their names and dates of appointment as per the statement of the employees and the Provident Fund Clerk are recorded. Among those ten names the name of Sudhir Nandi appears. It was stated that he was working with effect from 30th December, 1972. In the Inspection Report of 19th April, 1973, Ext. W-3, it is stated that the concerned workman, Sudhir Nandi, among others had qualified in the quarter ending in March, 1973 for Provident Fund as per attendance noted in the Payment of Wages Register and Bonus Register. The Inspection Reports are countersigned by P. Pal, the Provident Fund Clerk. The Inspection Reports, in my opinion, do not add anything of value to the evidence. They are based on Payment of Wages Register and the statements made by the concerned employees and the Provident Fund Clerk. Sri P. Pal, the Provident Fund clerk represented the management. He was an employee under the erstwhile owners who continued in employment after the take-over. Sri Pal did not depose at the hearing of the case. If he were called he might have had a great deal to answer. The question is, as I have said before, how is it that at a time when the mine had practically closed down, the number of employees shot up from four to fourteen on the eve of takeover.

11. Sri P. K. Bhattacharjee, the Inspector, deposed at the hearing of the reference. He said that in the case of a surface workman after putting in 60 days' attendance in a quarter, a person becomes eligible for membership of the Provident Fund. As per Ext. W-6, that is to say, the Inspection Report of 17th March, 1973, the date of appointment of Sri Sudhir Nandi was 30th December, 1972. In the Report itself it was stated that it was based on Payment of Wages Register. On the date of inspection, the Manager was not present. Mr. P. Pal, the Register Keeper was present on behalf of the management. He produced the necessary registers. The Inspector also recorded in his Report that on the date of inspection, the colliery was not working. He said that the colliery was closed under the order of the Custodian as reported by Sri Pal. Sri Bhattacharjee also referred to the H Form, Ext. W-7, submitted under the signature of the Manager which was countersigned by the Custodian. The form was submitted under a covering letter dated 31st May, 1973. It appeared from the H form return that Sudhir Nandi, the concerned workman, had been allotted a Provident Fund Account number and his date of appointment was 30th December, 1972. Obviously the Provident Fund account number was allotted to the concerned workman on the basis that he was in employment from January to March, 1973 as recorded in the Payment of Wages Register. The date of appointment is supplied by the Manager Sri S. K. Ghose. The fact that the Custodian subscribed his signature on the covering letter merely proves its authenticity. It does not add anything to its evidentiary value. It is in effect the statement of the Manager, Sri S. K. Ghose.

12. On the question as to why the name of Sudhir Nandi did not figure among the employees in employment in December, 1972 in the Payment of Wages Register, it was stated in cross-examination by Sri S. K. Ghose, Manager, that salary for December, 1972 was paid to Nandi by a voucher which has been marked as Ext. M-3. As the payment was made by voucher and not through the Payment of Wages Register, his name did not appear in the Register for the month of December, 1972. It will be pertinent to ask what was the reason for including his name in the Register for the month of January and thereafter. He admitted that there was no document in existence from which it could be found that Nandi was transferred to the colliery. His evidence was that employees were paid through Wage Register as well as by vouchers. No reason was given for this strange and anomalous practice. Sudhir Nandi was one of the person who was paid through vouchers. He admitted

there were Cash Books. No cash book was produced or called for to show that any payment was made at all to Nandi prior to take-over.

13. Reliance was placed on behalf of the concerned workman on D form register, (W-2, in Application No. LC 34 of 1976 which was made an exhibit in this case also by consent). This exhibit is in the nature of an attendance register. It merely shows that the concerned workman attended quarry no. 1 of the mine on certain days during the period 24th March, 1973 to 14th May, 1973. Sporadic attendance by itself does not prove that at the material time he was an employee in the colliery under the erstwhile owners. The Bonus register for the year 1973, Ext. W-8, was relied on. Page 115 of the register shows that he made certain basic earnings for the purpose of bonus during the quarter ending in March 1973. It was not disputed that the Bonus Register was prepared on the basis of the Payment of Wages Register. It is therefore a derivative document. The primary document, that is to say, the Payment of Wages Register shows the name of the concerned workman among the employees from January, 1973. If that part of the Payment of Wages Register is not acceptable for good reasons the Bonus register can hardly be of any assistance to the case.

14. As regards oral evidence, Sri Subid Ghose, a son of S. K. Ghose, the Manager and a partner in Amiya Bala Ghose & Sons deposed at the hearing. He admitted that at the material time he was a student and had very little knowledge of the affairs of the colliery. He asserted that the concerned workman was an employee of the firm and that the colliery never ceased to function because colliery cannot be treated as a closed one even if raising ceases so long as there is work in the office and there are employees and their wages are paid. In cross-examination, he said that he had nothing to do with the administration of the office or the working of the mine. He was merely a partner. Sri Sakti Kumar Ghose, the Manager was a material witness. I have already referred to his evidence. He said that the final takeover was effected on or about 15th May, 1973. He did not continue to work as Manager after the final takeover. He was a party to the minutes of the meeting held on 19th March, 1973 where it was recorded that there was no typewriter in the colliery office and there was no evidence of any clerical job having been done by Sri Nandi. He said that Messrs Amiya Bala Ghose & Sons had other business but Sri Nandi was appointed for the work of New South Baraboni Colliery and that he was transferred to the colliery on 30th December, 1972.

15. The concerned workman himself gave evidence. He said he was allowed a Provident Fund number and that his name appeared in the B form register. In cross-examination he said that in December 1972, the total strength of the colliery staff was 14 which is belied by the Payment of Wages Register. He said the letters he typed were very few and they were addressed to the customers. When asked to name any customer to whom a letter was addressed he could not remember any. It only remains to add that the B form register on which the concerned workman retired and claimed that his name was to be found there, could not be produced at the hearing. In fact, the management in their written statement stated that the B form register could not be traced. Having regard to the evidence which has been made available, I do not think the absence of B form register makes any difference.

16. In the light of the evidence in its entirety, it seems to me that the mine had ceased production long before December, 1972. That is borne out by the Annual Return which shows the number of underground workers as nil, clerical and supervisory staff as 14. This is also borne out by the negligible quantity of coal reported to have been raised, according to the Annual Return. It also appears from the minutes of the conference that the mine was restarted sometime after the takeover. The probabilities are therefore overwhelmingly against 10 fresh employees being recruited in December, 1972 or in January 1973 because there could have been no occasion for it. The minutes of the conference also record that there was no evidence that the concerned workman was doing any clerical job. I cannot but hold that the Manager Sri S. K. Ghose was an interested witness who tried to advance the cause of the concerned workman by giving evidence which contradicted documents such as

minutes of the conference and the Payment of Wages Register. It is also not without significance that Sri P. Pal the Register Keeper who appears to have been in charge of the books and who was present at the inspection made by the Provident Fund Inspector did not depose at the trial. The letter of appointment and the certificate are not of any assistance to the concerned workman. The certificate is a little equivocal. It bears the date 8th January, 1973, a date prior to take over. In this certificate it is stated, "He is a man of sober habits and I found him a good worker. His service in our concern gave us satisfaction." The use of past tense lends credence to the case that at the time when the certificate was prepared the concerned workman was no longer in the employment of Amiya Bala Ghose & sons. It may be that he was employed at some point of time by the erstwhile owners of the colliery. Be that as it may, it has not been established that he was an employee of the mine under the erstwhile owners at the material time for the reasons I have given. It seems to me that the voucher and entries in the Payment of Wages Register from January 1973 were brought into existence to create evidence in support of the case that he was an employee of the mine at the time of take over and on the appointed day. As I have said, the attendance register and the Bonus Register as also the Inspection Reports have very little evidentiary value. Those documents relate to 1973. The only document of 1972, of any value is the Payment of Wages Register and there the concerned workman does not figure as an employee during that year. The Provident Fund number was allotted to the concerned workman long after takeover.

17. In the view I have taken, I answer the question raised in the Order of Reference as follows : The management of New South Baraboni Colliery of Bhanora Sub-Area of Eastern Coal fields Limited, P.O. Charanpur, District Burdwan was justified in stopping the work of Shri Sudhir Kumar Nandi, General Clerk-cum-Typist with effect from 17-5-73. He is therefore not entitled to any relief.

Dated, Calcutta, the 20th June, 1979.

[No. L-19012(15)/76-D-II(B)/D. IV(B)]

S. K. MUKHERJEA, Presiding Officer

S.O. 2587.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of Central and Lower Jambad Colliery of Eastern Coalfields limited, P.O. Babula District Burdwan and their workmen which was received by the Central Government on 4th July, 1979.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA

Reference No. 2 of 1978

PARTIES :

Employers in relation to the management of Central and Lower Jambad Colliery,

AND

Their Workmen.

APPEARANCES :

On behalf of Employers—Sri N. Das, Advocate.

On behalf of Workmen—Sri B. S. Azad, General Secretary of the Union.

STATE : West Bengal INDUSTRY : Coal Mines

AWARD

The Government of India, Ministry of Labour, by their Order No. L1912(58)/76-D-III(B)/D-IV(B), dated 6th August, 1977, referred an industrial dispute existing between the employers in relation to the management of Central and Lower Jambad Colliery and their workmen, to this Tribunal, for adjudication. The reference reads :

"Whether the action of the management of Central and Lower Jambad Colliery in suspending Shri Mahatom

Mahato, Night Guard with effect from 10-7-75 and subsequently dismissing him from service with effect from 29-9-75 is justified? If not, to what relief is the concerned workman entitled?"

2. The concerned workman was appointed as night guard in the Central and Lower Jambad Colliery. On the 9/10 July, 1975 he was on duty in the office-cum-stores premises along with one Tangore Gour. His duty as a night guard was to protect the properties of the employers, particularly cash and valuable stores kept in the premises. It is alleged that at about mid-night some dacoits blasted crackers and looted the cash in the office to the tune of Rs. 14,534.62 P lying in a Godrej almirah and a voltmeter of the value of Rs. 4,000. No resistance was offered to the dacoits by the concerned workman or by any other watchman on duty nor did any one raised any alarm. In fact they all ran away.

3. On July 10, 1975 a chargesheet was issued against the concerned workman under the relevant Standing Orders. He was also suspended with effect from 10th July, 1975. In his explanation the concerned workman denied that he had committed any misconduct. A domestic enquiry was thereafter ordered. The Enquiry Officer in his Report found that the charges brought against the concerned workman had been proved. On the basis of the Enquiry Report an order was made dismissing the concerned workman with effect from September 29, 1975.

4. The facts of the case as stated above are a summary of the written statement filed on behalf of the employers. In sharp contrast to the specific allegations made against the concerned workman in the written statement, the charges brought against him on the basis of which the enquiry was conducted were vague and indefinite. The chargesheet reads as follows, Ext. M-1 :

"PC/WO/CLJ/CS/75-1334

10th July, 1975

To

Sri Mahatom Mahato,

C/o. Jhagru Mahato,

Designation—Night Watchman,

Central and Lower Jambad Section,

Porascole Colliery.

CHARGE SHEET

You were on duty in the office premises as Night Guard on 9-7-75 and your duty hours was from 8 P.M. to 4 A.M.

According to the information received by us from Sri Dalpat Jagani and Shri Suchir Kumar Bhattacharjee that an amount of Rs. 14,534.62 and a Voltmeter costing of Rs. 4,000 and some torch cells were looted by the dacoits during your duty period. This also was evidently caused due to wilful disregard by you to discharge your duty as Night Guard.

You are therefore, charged under clause 17(1)(c) and 17(1)(l) of the Model Standing Order which reads as follows :

- (i) Wilful insubordination or disobedience, whether alone or in conjunction with another or others, or of any lawful or reasonable order of a superior.
- (ii) Causing wilful damage to work in progress or to property of the employer.

Please show cause within 24 hours of receipt of this Chargesheet as to why disciplinary action will not be taken against you.

You are suspended pending enquiry with immediate effect.

COAL MINES AUTHORITY LTD.,

PORASCOLE COLLIERY.

Sd/-

Manager."

5. The chargesheet charged the concerned workman under clauses 17(1)(c) and 17(1)(i) of the Model Standing Orders. It merely reproduces the text of the said clauses. The text may be adequate as Standing Orders but as charges, they are worse than useless. The charges are vague in the alternatives and further alternatives. They are vague in the extreme, onerous and highly speculative. Reading them, one will not know what exactly are the allegations. The charges mean any thing or nothing. They leave one guessing. It is not possible to answer such charges nor is it reasonable to expect anyone to deal with them to any purpose.

6. The workman submitted an explanation in answer to the chargesheet by a letter dated July 12, 1975, Ext. M-2. It reads:

To

The Manager,

Porascole Colliery.

Ref: Reply of your false Chargesheet No. PC/WO/CLJ/CS/75-1334, dt. 10th July, 1975.

Dear Sir,

Most respectfully I beg to state that I am a Night Guard of your Central and Lower Jambad Section of Porascole Colliery and working since so many years back without any blemish whatsoever. I was on duty at C.L. and Lower Jambad Store on 9-7-1975. So the question of looted money Rs. 14,534.62 and a Voltmeter costing Rs. 4,000 and some torch cells does not arise at all. While I was in front of main gate of store, the dacoits suddenly attacked and charged bomb, then I fled away giving alarm. After my alarm, about 200 workmen reached there and they have seen the occurrence.

I was not informed by any one that there is a cash.

Further I note before your that my service condition is under certified standing order of the Central & Lower Jambad Colliery.

So, the model standing order is not maintainable under law.

So, you are requested to consider and withdraw the false chargesheet and withdrawn suspension order and allow me to join the duty with full pay for non-employment period and oblige.

Yours faithfully,

Sd. Mahatom Mahato

Night Guard

C. L. & Lower Jambad."

Dated 12-7-75.

7. It is clear that the workman has dealt with the vague and indefinite charges framed in alternatives as best as he could. The fact however remains that the charges are incurably bad, on the ground that they are indefinite, highly abstract, vague, speculative and too wide. The concerned workman had no real chance to defend himself against charges which did not make it clear to him what exactly was the case he had to answer. If the charges were properly framed the workman might have satisfied his employers by an explanation, in which event, no enquiry would have been ordered. In this case an enquiry was ordered on the basis of charges bad in law. The Enquiry Report therefore cannot stand and must be set aside. The order of punishment found on the basis of the Enquiry Report must therefore also be set aside. It is useless to ask the parties to adduce evidence afresh before the Tribunal as there is no valid charges against the concerned workman in the context of which such evidence could be taken.

8. The order of suspension in aid of an enquiry to investigate into charges which are ex-facie bad in law must also be held to be invalid.

9. As regards back wages, the concerned workman is entitled to full back wages for the period of suspension commencing from 10th July, 1975 and ending on 28th September, 1975 less the wages he has received for the said period. As regards back wages from the date of dismissal, I have taken into consideration the evidence given by the workman that during the time of unemployment he was engaged in agricultural pursuits. Having regard to his evidence I am of opinion that an award for half of his back wages will meet the justice of the case.

10. In the view I have taken, I answer the question raised in the reference as follows: The action of the management of Central and Lower Jambad Colliery in suspending Sri Mahatom Mahato, Night guard with effect from 10th July, 1975 and subsequently dismissing him from service with effect from 29-9-75 is not justified. He is therefore entitled to be reinstated with effect from the date of dismissal i.e. 29th September, 1975. He is entitled to back wages in full for the period of suspension less the wages actually paid to him for the same period. He is also entitled to half of his back wages from the date of dismissal upto the date of reinstatement.

Dated, Calcutta,

The 26th June, 1979.

Sd/-

S. K. MUKHERJEA, Presiding Officer.

[No. L-19012(58)/76-D III(B)/D-IV(B)]

SHASHI BHUSHAN, Desk Officer

New Delhi, the 11th July, 1979

S.O. 2588.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Nudkhurkee Colliery of Messrs Bharat Coking Coal Limited, Post Office Nudkhurkee, District Dhanbad and their workmen, which was received by the Central Government on the 2nd July, 1979

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No. 3,

DHANBAD

Reference No. 42 of 1977

PARTIES :

Employers in relation to the management of Nudkhurkee Colliery of M/s. Bharat Coking Coal Ltd., P.O. Nudkhurkee, Dist. Dhanbad.

AND

Their workman

APPEARANCES :

For Employers—Shri G. Prasad, Advocate

For Employee—Workman in person

Industry : Coal.

State : Bihar

Dated, the 25th June, 1979

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 14 of 1947 have referred the following dispute to this Tribunal for adjudication as per their Order No. L-20012/145/75-DIII(A) dated the 13th/16th February, 1976.

SCHEDULE

Whether the action of the management of Nudkhurkee Colliery of M/s. Bharat Coking Coal Ltd. P.O. Nudkhurkee, Dist. Dhanbad in dismissing Shri Sahdeo Pandey, Night Guard with effect from 19th December,

1974 is justified? If not, to what relief the workman is entitled?"

The management in their written statement have stated that there was a theft of fifty pieces of 24 lb. worth Rs. 5000 from the place where the workman herein was on duty during his shift on the night intervening 8th/9th August, 1974. The Manager issued chargesheet on 10-8-74 to the guard on duty at the relevant place in the second and third shifts, alleging that but for the dishonesty and negligence of the two Guards, Jogendra Singh in the second shift and the Workman herein in the third shift this theft would not have occurred. The workman herein submitted his explanation denying the charges. The said explanation was considered to be unsatisfactory and therefore a domestic enquiry was ordered to be held by Shri B. B. Singh, Senior Personnel Officer of the Sub-Area. The enquiry was held against both the guards Messrs. Jogendra Singh and the workman herein, on 1-9-74. The workman herein was defended by Shri B. Mukhejee, Overman, Nudkharkee Colliery. The management's witnesses were cross-examined on behalf of the workman and a defence witness also was examined on his behalf. The workman did not raise any objection regarding the fairness of the enquiry held by the Enquiry Officer. The Enquiry Officer submitted a finding on 14-9-74 holding the workman herein guilty on negligence and connivance. The Sub-Area Manager recommended that the punishment of dismissal may be imposed on the workman herein. The Dy. Inspector General, Security who is the competent authority, accepted the recommendation and passed an order dismissing him with effect from 19-12-74. The management submit that the enquiry was properly and fairly held and the punishment imposed was justified having regard to the circumstances of the case. They pray that this reference may be answered against the workman.

The workman in his statement of claim says that the finding of the Enquiry Officer was perverse, prejudiced and based on no evidence. He also complains that he was not given reasonable opportunity to rebut the charges framed against him and that the punishment imposed is disproportionate to the offence he is found to have been guilty.

After the case underwent several adjournments, the parties filed a memo of settlement before this Court on 1-6-79 praying the Court to pass an award in terms thereof. On 21-6-79 the workman was not present to admit the terms of compromise. So the matter was adjourned to 25-6-79 for that purpose on which date Shri G. Prasad, Advocate for the management and the workman herein appeared in person while admitting the terms of compromise they requested the Court to answer the reference in terms of the settlement. Having regard to the facts and circumstances of the case, I am satisfied that this compromise is beneficial to the workman. The compromise is therefore recorded.

In the result this reference is answered in terms of the settlement. A copy of the settlement is appended hereto and the same may be read as a part of this award.

[No. L-20012/145/75-D.III(A)]

P. RAMAKRISHNA, Presiding Officer

FORM 'H'

Memorandum of Settlement

This agreement made, on this, ... day of Nov '78 by and between the employers in relation to Nudkharkee Colliery of M/s. Bharat Coking Coal Ltd. of the one part and the workman Sri Sahadeo Pandey (represented by Koyala Majdoor Union) ex-Night guard, Nudkharkee colliery the other, on the terms and conditions mentioned herein under :

Name of the parties—	Superintendent/General Manager/
Representing employer:	Agent Nudkharkee colliery of M/s. Bharat Coking Coal Ltd.
Representing workman:	(i) Sahadeo Pandey, Night Guard, Nudkharkee colliery. (ii) Secretary, Koyala Majdoor union.

Short Recl. on the case

Whereas Sri Sahadeo Pandey, was chargesheeted and after department enquiry having been made was found guilty of the charges levelled against him has been dismissed from service ;

Whereas Sri Pandey represented to the employer for sympathetic consideration of his case and requested the employer to reinstate him without back wages ;

And now the employer having taken a lenient and compassionate view in the matter has agreed to re-instate Sri Pandey on the following terms and conditions : --

Terms and Conditions

(i) Sri Sahadeo Pandey shall be reinstated with continuity of service but without back wages and other facilities with effect from the date he resume his duties.

(ii) Sri Sahadeo Pandey shall resume duty within 30 days of the date of this agreement should he fail to resume duty within this period it shall be deemed that he is not longer interested in employment.

(iii) Provided further that his service during the Intervening period shall be considered for the payment of gratuity.

(iv) That this agreement shall come into operation and be effective with immediate effect.

(v) Since a reference No. 42/77 is pending before the industrial Tribunal No 3 Central, Dhanbad, in respect of the dismissal of Sri Pandey, it is agreed that a copy of this agreement be sent to the Tribunal for favour of passing an award in terms of the agreement hereto above.

(vi) This settle all the dispute between the parties and Sri Sahadeo Pandey shall have no further claim whatsoever against the employer.

And in the witness thereof the parties set their hand hereto under their office seal and signature.

Sd/- Illegible

For the Employer
Supdt./General Manager

Signature of the parties
for the workman.

(i) Sahdeo Pandey.-----

(ii) Secretary,-----

Koyla Majdoor Union

Date-----

Witness :—

(1) Sd/- Illegible

(2) Shri Nath Singh

New Delhi, the 13th July, 1979

S.O. 2589.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers, in relation to the management of Jhunkunder Open Cast Project of Messrs Bharat Coking Coal Limited, Post Office Chirkunda, District Dhanbad and their workmen, which was received by the Central Government on the 12th July, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 52 of 1978.

PARTIES :

Employers in relation to the management of Jhunkunder, Open Cast Project of Bharat Coking Coal Limited, P. O. Chirkunda, Dist. Dhanbad.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri J. R. Varman, Dy. Personnel Manager

For the Workmen—Sri Shankar Bose, Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad.

State : Bihar.

Industrial : Coal

Dhanbad, dated, the 6th July, 1979.

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/160/78 D. II(A), dated, the 23rd December, 1978, for the adjudication of the following industrial dispute :

"Whether the action of the management of Jhunkunder Open Cast Project of Messrs Bharat Coking Coal Limited, Post Office Chirkunda, District Dhanbad in dismissing Shri Ramdeep Rai, Night Guard from service with effect from 13th February, 1978, is justified? If not, to what relief is the said workman entitled?"

2. The parties filed a compromise petition on 29-6-1979. The terms of the settlement are verified today. They appear to be fair and proper. Award is given in terms of the settlement which shall form part of the award.

S. N. JOHRI, Presiding Officer.

BEFORE THE PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR

COURT (No. 1), DHANBAD

In Reference No. 52 of 1978

Employers in relation to the management of Jhunkunder Open Cast Project of BCCL

AND

Their Workmen

Joint Petition of Compromise Settlement

The humble petitioners, on behalf of the parties above-noted, most respectfully pray :—

That the dispute mentioned above, and pending adjudication before the Hon Tribunal, has been settled amicably between the parties on the terms stated below :—

Terms of Settlement

The parties agree :—

- (1) That Shri Ramdeep Rai, Ex-Night Guard of Jhunkunder Open Cast Project of BCCL, shall be reinstated in his original post within seven days of his reporting to the Manager of the Project.
- (2) That the service of Shri Ramdeep Rai shall be treated as continuous, for the purpose of calculating gratuity and for other purposes.
- (3) That the workman/union shall forego all claims for all payment of wages, bonus, etc. for the period of idleness between 13-2-78 and the date of his resumption.
- (4) That the parties shall have no further claim whatsoever against each other relating to this dispute, which stands fully and finally resolved by this settlement.

The petitioners beg to submit that the Hon. Tribunal may be pleased to approve of the terms as fair and reasonable, and pass award in terms thereof.

And for this the humble petitioners shall ever pray For & on behalf of the employers

Sd/-

(J.R. VARMAN)

Dy. Personnel Manager BCCL,

Security Hqrs. Jealgora (Dhanbad)

For & on behalf of workman/union

For Rashtriya Colliery Mazdoor Sangh

Sd/-

(SHANKAR BOSE)

Secretary,

Rashtriya Colliery Mazdoor Sangh

Rajendra Path, Dhanbad

Sd/-

(Ramdeep Rai)

Workman

Dated the 18th June, 1979

[No. L-20012/160/78-D. III(A)]

S.O. 2590.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of South Govindpur Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad and their workmen, which was received by the Central Government on the 12th July, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under Sec. 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 92 of 1977.

PARTIES :

Employers in relation to the management of South Govindpur Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, Dist. Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers :

Shri B. Joshi, Advocate.

For the Workmen :

Shri S. Bose, Secretary,

Rashtriya Colliery Mazdoor Sangh,

Dhanbad.

State : BIHAR.

Industry : COAL.

Dhanbad, the 7th July, 1979

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/142/77-D. III(A), dated, the 26th November, 1977, for the adjudication of the following industrial dispute :

"Whether the action of the management of South Govindpur Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad, in not providing employment to Shri Nared Ram, Miners Sirdai, is justified? If not, to what relief is the said workman entitled?"

2. The parties have filed a settlement. The terms of the settlement are verified. They appear to be reasonable. Award is given in terms of the settlement which shall form part of the award

S. N. JOHRI, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, DHANBAD

Reference No. 92 of 1977

Employers in relation to the management of South
Govindpur Colliery of M/s. Bharat Coking Coal Limited

AND

Their workmen.

Petition of Compromise :

The above reference has been settled between the parties on
the following terms :—1. That the concerned workman, Shri Narad Ram will be
taken in employment as Miner/Loader with immediate
effect.2. That the date of appointment of Shri Narad Ram will
be accepted from 1-5-1972, for the purpose of continuity of
service only.3. That the period of his idleness will be treated dis-
non.4. That the workman shall not claim any wages, benefit
etc., whatsoever for the period prior to the date he joins
duty as per terms of this compromise.5. That the parties shall have no claim whatsoever against
each other on account of the present dispute.That since the above terms are fair and reasonable, the
parties pray that the Hon'ble Tribunal will be pleased to
give its Award in terms of the above compromise.

For and on behalf of the Employers

1. Shri R. K. Yashroy,
General Manager,
Govindpur Area of
M/S. B.C.C. Ltd.2. Shri S. S. Mitra,
Dy. Personnel Manager,
Govindpur Area of
M/S B. C. C. Ltd.

For and on behalf of the workmen

1. Shri G. D. Panday,
Secretary,
Rashtriya Colliery Mazdoor Sangh2. Shri Narad Ram,
Concerned Workman.

Dated 30-6-1979.

[No. L-20012/142/77-D, III(A)]
S. H. S. IYFR. Desk Officer

New Delhi, the 17th July, 1979

S.O. 2591.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Kusunda Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad, and their workmen, which was received by the Central Government on the 10th July, 1979.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM- LABOUR COURT NO. 3 DHANBAD

Reference No 16 of 1978

PARTIES :

Employers in relation to the management of Kusunda
Colliery of M/s. Bharat Coking Coal Ltd., P. O.
Kusunda, District Dhanbad.

AND

Their workmen.

APPEARANCES :

For Employers.—Shri U. K. Jha, Senior Personnel
Officer.For Workmen.—Shri Lalit Burman, Vice-President of the
Union.

INDUSTRY : Coal.

STATE : Bihar.

Dated, the 4th July, 1979

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act 14 of 1947 have referred the following dispute to this Tribunal for adjudication as per their order No. L-20012/139/77-DIII(A) dated 17th February, 1978.

SCHEDULE

"Whether the action of the management of Kusunda Colliery of M/s. Bharat Coking Coal Ltd., P. O. Kusunda, District Dhanbad, in dismissing Sarvaswari Kameshwar Ram, Trammer and S. S. Nirala, Munshi from service with effect from 23rd March, 1976, is justified? If not to what relief are the said workmen entitled?"

The facts of the case as disclosed in the statement of claim filed on behalf of the workmen are that the workman Sri Kameshwar Ram holding a substantive post of a Trammer in the Kusunda Colliery was deputed to work as an Office Clerk, and the other workman Sri S. S. Nirala holding a substantive post of Bhatta Munshi in the same colliery was deputed to work as Provident Fund Clerk during the relevant period. One Mr B. K. Sarkar was the Senior Provident Fund Clerk. While preparing the bill for maternity benefits the aforesaid three persons claimed benefit in respect of 10 female workers who were ineligible to claim that benefit on the basis of the attendance they had put in. The management served chargesheets on the two concerned workmen herein namely Sri Kameshwar Ram and Nirala. The delinquents submitted their explanation which was found to be unsatisfactory by the management. A departmental enquiry was initiated and the Enquiry Officer found the workmen herein guilty of misappropriation. The workmen submit that not being conversant with the preparation of maternity benefit bills, they merely acted as per the instructions of the Senior Clerk Sri Sarkar. The workmen submit that they are innocent and that they may be reinstated in service.

The management in their written statement submitted that the workmen herein having unsuccessfully invoked the jurisdiction of the Civil Court in this matter are precluded from re-agitating the same point over again before this Court. On the merits they submit that the workmen herein being experienced clerks were competent to prepare the maternity benefit bills. They also submit that the maternity benefit fraudulently drawn on behalf of the 10 female workers was not paid to the persons concerned but misappropriated by them. When the management directed the concerned workmen to refund the amount so illegally drawn. The workman Kameshwar Ram refunded the amount while the other workman Nirala failed to do so. The management submit that the departmental enquiry was fairly conducted and that the findings of the Enquiry Officer were based on proper evidence. They say that there is no cause for interfering with the findings of the Enquiry Officer or with regard to the punishment imposed on the workmen.

This case stood posted to 21-6-79 for the filing of documents of the parties. On that day Sri Lalit Burman, Vice-President of the union representing the workmen submitted that the matter was compromised and that a memo of settlement would be filed on the next hearing date. Therefore the matter was adjourned to 4-7-79 for the filing of memo of settlement. On 4-7-79 Sri Lalit Burman for the workmen and Sri U. K. Jha, Senior Personnel Officer for the management appeared in person and filed a memo of compromise admitting the terms thereof. The Court considered the terms of compromise to be fair and in the interests of the workmen concerned and therefore recorded the same. The parties pray that an award in terms of the said settlement may be passed.

In the result this reference is answered in terms of the memo of settlement filed by the parties. A copy of the said memo of settlement which is appended hereto may be read as part of this award.

P. RAMAKRISHNA, Presiding Officer

[No.-L-20012/139/79-D. IV(A)]

S. H. S. IYER, Desk Officer

MEMORANDUM OF SETTLEMENT

Memorandum of settlement arrived at between the Management of Kusunda Colliery of M/s. Bharat Coking Coal Limited and the workmen represented by the Secretary, United Coal Workers' Union

Name of the parties :—

Representing the Employer :—

1. Shri Om P. Manchanda,
General Manager, BCCL,
Kusunda Area.
2. Shri B. N. Jha,
Dy. Personnel Manager,
Kusunda Area.

Representing the workmen :—

1. Shri Lalit Burman,
Secretary, U.C.W.U.,
Near Mack & Co.,
P. O. & Dist. Dhanbad.

Short Recital of the case

The management of the Kusunda Colliery dismissed S/shri Kameshwar Ram, Trammer (Working as Office Clerk) and S. S. Nirala, Munshi (Working as P. F. Clerk) from services with effect from 23rd March, 1976. The concerned workmen raised industrial disputes under Sec. 2A of the Industrial Disputes Act, 1947, which ended in failure of conciliation. The Central Government referred the dispute for adjudication by the Central Government Industrial Tribunal No. 3, Dhanbad which is registered as Reference No. 16 of 1978. While the proceedings are pending before the Tribunal, the parties discussed over the matter on a number of occasions for an amicable settlement. Finally the parties agreed to settle the dispute on the following terms and conditions :—

Terms of Settlement

1. It is hereby agreed :—That S/Shri Kameshwar Ram and S. S. Nirala shall be re-instated in the respective posts of Office Clerk and P.F. Clerk respectively with immediate effect and they shall be allowed to resume their duties within a week from the date of this settlement.

2. That the concerned workmen shall not be paid any wages for the period of idleness from the date of the dismissal till the date of the re-instatement i.e. 13-12-78. However, the continuity of service of the workmen will be maintained and the period in question shall be treated as attendances for the purposes of Gratuity only.

3. That on implementation of the above terms the workmen will have no claim on the management.

That the parties shall file an application before the Central Govt. Industrial Tribunal No. 3, Dhanbad, for passing an

award on the basis of the mutual settlement between the parties.

Dated the 6th December, 1978.

For the Management :

1. (Om P. Manchanda).
2. (B. N. Jha).

For the workmen

1. (Lalit Burman)

Witnesses :

1. Kameshwar Ram
2. S. S. Nirala

नई दिल्ली, 13 जुलाई, 1979

क्रा०प्रा० 2592.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स रोटोप्लास्टिक एण्डस्ट्रीज 4, मेहर बिल्डिंग, चौपाटी, मुम्बई-7, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1948 को प्रवृत्त हुई समझी जाएगी।

[सं० एस-35018/71/79-पी० एफ-2]

New Delhi, the 13th July, 1979

S.O. 2592.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Rotoplastic Industries, 4, Meher Building, Chowpatty, Bombay-7, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1978

[No. S. 35018/71/79-P1-II]

क्रा०प्रा० 2593.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री कृष्ण कोकोनट कंपनी अम्बाजीपेटा-533214, ई० जी०, जिला, जिसके अंतर्गत काकीनाडा स्थित उसकी शाखा भी है नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 दिसम्बर, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एस-35019/(87)/79-पी०एफ-2]

S.O. 2593.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sree Krishna Coconut Company, Ambajipeta-533214-F. G. District, including its branches at Kakinada, have agreed that the provisions of the Employees' Provident Funds and

Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1976.

[No. S. 35019/87/79-PF-II]

का० आ० 2594.—केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स आटो हाउस, पोपुलर आटोमोबाइलस बिल्डिंग, बैनर्जी रोड, एर्नाकुलम, कोचीन-18 एर्नाकुलम ग्राम, कनयान्नूर तालुक, एर्नाकुलम जिला जिसके अंतर्गत 1566/2 चर्च रोड, कश्मीरी गेट, दिल्ली-6 स्थित उसकी शाखा भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अतः, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 अप्रैल, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं. एम-35019(88)/79-पी० एक-2(i)]

S.O. 2594.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Auto House, Popular Automobiles Building, Banerjee Road, Ernakulam, Cochin-18, Ernakulam Village, Kanayannur Taluk, Ernakulam District including its branch at 1566/2 Church Road, Kashmere Gate, Delhi-6, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of April, 1979.

[No. S. 35019/88/79-PF-II(i)]

का० आ० 2595.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संघट्ट विषय में आवश्यक जांच करने के पश्चात् 30 अप्रैल, 1979 से मेसर्स आटो हाउस, पोपुलर आटोमोबाइलस बिल्डिंग, बैनर्जी रोड, एर्नाकुलम, कोचीन-18, एर्नाकुलम ग्राम, कनयान्नूर तालुक, एर्नाकुलम जिला, जिसके अंतर्गत 1566/2, चर्च रोड, कश्मीरी गेट, दिल्ली-6 स्थित उसकी शाखा भी है, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं. एम-35019(88)/79-पी० एक-2(ii)]

S.O. 2595.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter hereby specifies with effect from the thirtieth day of April, 1979 the establishment known as Messrs Auto House, Popular Automobiles Building, Banerjee Road, Ernakulam, Cochin-18, Ernakulam Village, Kanayannur Taluk, Ernakulam District including its branch at 1566/2, Church Road, Kashmere Gate, Delhi-6, for the purposes of the said proviso.

[No. S. 35019/88/79-PF-II(ii)]

का० आ० 2596.—केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स मदेश्वरा कार्पोरेटर्स लि. में 1 महुंय है, से आउट बुल टेम्पल रोड बंगलोर-19 जिसके अंतर्गत (1) 20, आर्मेनियन स्ट्रीट, मद्रास (2) तीसरा पनोर, आशीर्वाद बिल्डिंग्स, अहमदाबाद (स्ट्रीट मुम्बई, (3) 98, रंगा पिल्लई स्ट्रीट, पांडिचेरी और (4) पी० आ० आ० टु गवर्नमेंट गर्ल्स हाई स्कूल ए० एम० सी/IX/155 एम० आ० रोड, अल्वाय (केरल) स्थित उसकी शाखाएं भी हैं, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अतः, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अक्टूबर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं. एम-35019/89/79-पी० एक-2(i)]

S.O. 2596.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Madeswara Cargo Movers No. 1, Mahanth Layout, Bull Temple Road, Bangalore-19 including its branches, at (1) 20, Armenian St. Madras, (2) 3rd Floor, Ashirwad Buildings, Ahmedabad Street, Bombay (3) 98, Rangapillai Street, Pondicherry and (4) Poo. to Government Girls High School AMC/IX/155 M. O. Road, Alwaye (Kerala) have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of October, 1979.

[No. S. 35019(89)/79-PF-II(ii)]

का० आ० 2597.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संघट्ट विषय में आवश्यक जांच करने के पश्चात् 1 अक्टूबर, 1978 से मेसर्स मदेश्वरा कार्पोरेटर्स लि. में 1, महुंय लेआउट बुल टेम्पल रोड, बंगलोर-19 जिसके अंतर्गत (1) 20, आर्मेनियन स्ट्रीट, मद्रास, (2) तीसरा पनोर, आशीर्वाद बिल्डिंग्स, अहमदाबाद स्ट्रीट मुम्बई, (3) 98, रंगा पिल्लई स्ट्रीट, पांडिचेरी और (4) पी० आ० आ० टु गवर्नमेंट गर्ल्स हाई स्कूल ए० एम० सी/IX/55 एम० आ० रोड अल्वाय (केरल) स्थित उसकी शाखाएं भी हैं, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं. एम-35019(89)/79-पी० एक-11/(ii)]

S.O. 2597.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of October, 1978 the establishment known as Messrs Madeswara Cargo Movers No. 1, Mahanth Layout, Bull Temple Road, Bangalore-19 including its branches at (1) 20, Armenian St. Madras, (2) 3rd Floor, Ashirwad Buildings, Ahmedabad Street, Bombay, (3) 98, Rangapillai Street, Pondicherry and (4) Poo. to Government Girls High School AMC/IX/155 M.O. Road, Alwaye (Kerala), for the purposes of the said proviso.

[No. S. 35019(89)/79-PF-II(ii)]

का० आ० 2598—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स वाटको केमिकल्स (प्राइवेट) लिमिटेड, डी-71, इंडस्ट्रियल डेवलपमेंट एरिया, जो डी० मेटला, हैदराबाद-54, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 फरवरी, 1979 को प्रदत्त हुई समझी जायगी।

[सं० एम०-35019(90)/79-पी० एफ०-2 (i)]

S.O. 2598.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Watco Chemicals (Private) Limited, D-71, Industrial Development Area, Jeedimetla, Hyderabad-54, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of February, 1979.

[No. S. 35019/90/79-PF. II(i)]

का० आ० 2599—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 1 फरवरी, 1979 से मैसर्स वाटको केमिकल्स (प्राइवेट) लिमिटेड डी-71, इंडस्ट्रियल डेवलपमेंट एरिया, जो डी० मेटला, हैदराबाद-54, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिश्चित करती है।

[सं० एम०-35019(90)/79-पी० एफ०-2(ii)]

S.O. 2599.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provision Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of February, 1979 the establishment known as Messrs. Watco Chemicals (Private) Limited, D-71, Industrial Development Area, Jeedimetla, Hyderabad-54 for the purposes of the said proviso.

[No. S. 35019/90/79-II(ii)]

का० आ० 2600—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मल्लेन्हाइल सिस्टम्स, 35-ए/2, कोर्ट, इंडस्ट्रियल एस्टेट इन्दौर-2 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 जुलाई, 1977 का प्रवृत्त हुई समझी जायगी।

[सं० एम०-35019(91)/79-पी० एफ०-2]

S.O. 2600.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Mercantile Systems, 35/A-2, Fort, Industrial Estate, Indore-2, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of July, 1977.

[No. S. 35019/91/79-PF. II]

का० आ० 2601—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बड़ौदा ऑटो सेंटर, प्रताप नगर रोड बड़ौदा, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना उस मास के अन्तिम दिन का प्रवृत्त होगी जिससे यह अधिसूचना राजपत्र में प्रकाशित की जाती है।

[सं० एम०-35019(92)/79-पी० एफ० 2]

S.O. 2601.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Baroda Auto Centre, Pratapnagar Road, Baroda, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provision Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be come into force on the last day of the month in which the notification is published in the Official Gazette.

[No. S. 35019/(92)/79-PF. II]

का० आ० 2602—अतः, केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पैटर्न एंड कार्पेंट्री वर्क्स, नं० 40 एम० के० एन० रोड, अलन्दुर, मद्रास-32 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अक्टूबर, 1978 का प्रवृत्त हुई समझी जायगी।

[सं० एम० 35019 (93)/79-पी० एफ० 2]

S.O. 2602.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Pattern and Carpentry Works, No. 40, M. K. N. Road, Alandur, Madras-32, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of October, 1978.

[No. S. 35019/93/79-PF. II]

का० प्रा० 2603.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स आटो फिल्टर्स (प्राइवेट) लिमिटेड, एफ-5 और 6 सैटेलाइट इण्डस्ट्रियल एस्टेट ए०पी०आई०ई०, बालानगर हैदराबाद-37 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) ने उपबन्ध उक्त स्थापन का लागू किए जाने चाहिए।

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन का लागू करती है।

यह अधिसूचना 30 सितम्बर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम०-35019 (95)/79 पी० एफ० 2(i)]

S.O. 2603.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Auto Filters (Private) Limited, F 5 & 6, Satellite Industrial Estate, A P I E, Balanagar, Hyderabad-37, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of September, 1978.

[No. S. 35019 (95)/79-PF. II(ii)]

का० प्रा० 2604.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 30 सितम्बर, 1978 से मैसर्स आटो फिल्टर्स (प्राइवेट) लिमिटेड एफ 5 और 6, सैटेलाइट इण्डस्ट्रियल एस्टेट ए०पी०आई०ई० बालानगर हैदराबाद-37 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिये विनिर्दिष्ट करती है।

[सं० एम० 35019(95)/79 पी० एफ० 2(ii)]

S.O. 2604.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirtieth day of September, 1978 the establishment known as Messrs. Auto Filters (Private) Limited, F 5 & 6, Satellite Industrial Estate, A P I E, Balanagar, Hyderabad-37, for the purposes of the said proviso.

[No. S. 35019 (95)/79-P.F. II(ii)]

का० प्रा० 2605.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स हुस्टन गैस इण्डस्ट्रीज (प्राइवेट) लिमिटेड, 38 और 39 एक्सपन-प्रोग कंपनी औद्योगिक संघदा के सामने बालानगर हैदराबाद-37 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये।

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अगस्त, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम०-35019(96)/79-पी० एफ० 2(i)]

S.O. 2605.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Hustan Gas Industries (Private) Limited, 38 & 39, Expan-Prop. Company, Opposite Industrial Estate, Balanagar, Hyderabad-37, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of August, 1978.

[No. S. 35019 (96)/79-PF. II(ii)]

का० प्रा० 2606.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रथम शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 1 अगस्त 1978 से मैसर्स हुस्टन गैस इण्डस्ट्रीज प्राइवेट लिमिटेड, 38 एंड 39, एक्सपन-प्रोग कंपनी औद्योगिक संघदा के सामने, बालानगर, हैदराबाद-37 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिये विनिर्दिष्ट करती है।

[सं० एम० 35019(96)/79-पी० एफ० 2(ii)]

S.O. 2606.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of August, 1978 the establishment known as Messrs. Hustan Gas Industries (Private) Limited, 38 & 39 Expan-Prop. Company, Opposite Industrial Estate, Balanagar, Hyderabad-37, for the purposes of the said proviso.

[No. S. 35019 (96)/79-PF. II(ii)]

का० प्रा० 2607.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री विजयराम गजपति को-ऑपरेटिव सुगर्स लिमिटेड, भीमसंगी जिला विशाखापट्टनम नामक स्थापन से सम्बन्धित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये।

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जून, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(97)/79-पी० एफ० 2]

S.O. 2607.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri Vijayarama Gajapati Cooperative Sugars Limited, Bhimasingi, District Visakhapatnam, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1978.

[No. S. 35019 (97)/79-PF. II]

का०आ० 2608.—केन्द्रीय सरकार को यह प्रतीत होता है कि मेस पंजाब बायोमेडिकल इक्विपमेंट्स लिमिटेड, डी-33, इण्डस्ट्रियल फोकल प्वाइंट एस० ए० एम० नगर (मोहली-51) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1979 को प्रवृत्त हुई समझी जायगी।

[सं० एम०-35019(99)/79-पी०एफ०2(i)]

S.O. 2608.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Punjab Bio-medical Equipments Limited, D-33, Industrial Focal Point, S.A.S. Nagar, (Mohali-51), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S. 35019 (99)/79-PF. II(i)]

का०आ० 2609.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच के पश्चात् 1 अप्रैल, 1979 से मेसर्स पंजाब बायोमेडिकल इक्विपमेंट्स लिमिटेड, डी-33, इण्डस्ट्रियल फोकल प्वाइंट एस० ए० एम० नगर, (मोहली-51), नामक स्थापन को उक्त परन्तुक प्रयोजनों के लिये विनिर्दिष्ट करती है।

[सं० एम०-35019(99)/79-पी०एफ०2(ii)]

S.O. 2609.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of April, 1979, the establishment known as Messrs. Punjab Biomedical Equipments Limited, D-33, Industrial Focal Point, S.A.S. Nagar, (Mohali-51), for the purposes of the said proviso.

[No. S. 35019(99)/79-PF-II (ii)]

का० आ० 2610.—केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स का० इण्डस्ट्रीज, एम/2-ए, इण्डस्ट्रियल एरिया, जलंधर नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एम०-35019(100)/79-पी०एफ०-2]

S.O. 2610.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Kay Industries, M/2-A, Industrial Area, Jullundur, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S. 35019(100)/79-PF-II]

का० आ० 2611.—केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स पंजाब स्पिनिंग एंड वीविंग मिल्स लिमिटेड, एम० सी०ओ० 54-56, सेक्टर 17-ए, चण्डीगढ़, जिसके अंतर्गत डाबवाली रोड, भटिंडा स्थित उसका कारखाना भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35019(101)/79-पी० एफ०2(i)]

S.O. 2611.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Punjab Spinning and Weaving Mills Limited, S.C.O. 54-56, Sector 17-A, Chandigarh including its factory at Dabwali Road, Bhatinda, have agreed that the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1978.

[No. S. 35019/(101)/79-PF. II(II)]

का० आ० 2612.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 1 अप्रैल, 1978 से मेसर्स पंजाब स्पिनिंग एंड वीविंग मिल्स लिमिटेड, एस० सी० ओ० 54-56, सेक्टर 17-ए, चण्डीगढ़ जिसके अंतर्गत डाबवाली रोड, भटिंडा स्थित उसका कारखाना भी है, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एस०-35019(101)/79-पी० एफ०2(ii)]

S.O. 2612.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of April, 1978 the establishment known as Messrs. Punjab Spinning and Weaving Mills Limited, S.C.O. 54-56, Sector-17-A, Chandigarh

including its factory at Dabwali Road, Bhatinda, for the purposes of the said proviso.

[No. S. 35019 (101)/79-PF. II(i)]

का० आ० 2613—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पंजाब रेकार्डर्स लि०, बी-17, इण्डस्ट्रियल फोकल प्वाइंट, एस० ए० एम० नगर, मोहाली-51 नामक स्थापन से सम्बन्धित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1979 को प्रवृत्त हुई समझी जाएगी।

[म० एम० 35019(102)/79-पी० एफ०-2(i)]

S.O. 2613.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Punjab Recorders Limited, B-17, Industrial Focal Point, S.A.S. Nagar, Mohali-51, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S. 35019 (102)/79-PF. II(i)]

का० आ० 2614.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 1 अप्रैल, 1979 से मैसर्स पंजाब रेकार्डर्स लि०, बी-17, इण्डस्ट्रियल फोकल प्वाइंट, एस० ए० एम० नगर, मोहाली-51 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[म० एम० 35019(102)/79-पी० एफ०-2(ii)]

S.O. 2614.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of April, 1979 the establishment known as Messrs. Punjab Recorders Limited, B-17, Industrial Focal Point, S.A.S. Nagar, Mohali-51, for the purposes of the said proviso.

[No. S. 35019(102)/79-PF. II(ii)]

का० आ० 2615 —केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बृहन्न विशाखा कुष्ठ उपचार और स्वास्थ्य शिक्षा स्कीम, 47-10-17 द्वारकानगर, विशाखापटनम् नामक स्थापन से सम्बन्धित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये ;

अतः, अब उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मार्च, 1979 को प्रवृत्त हुई समझी जायेगी।

[म० एम० 35019(98)/79-पी० एफ०-2]

New Delhi, the 18th July, 1979

S.O. 2615.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Greater Visakha Leprosy Treatment and Health Education Scheme, 47-10-17, Dwarakanagar, Visakhapatnam, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of March, 1979.

[No. S. 35019 (98)/79-PF. II]

का० आ० 2616 —केरल राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 31) की धारा 1 के खण्ड (घ) के अनुसरण में श्री आर० रामचन्द्रन नायर के स्थान पर श्री सी० पी० नायर, विशेष सचिव, केरल सरकार, धर्म तथा आवास विभाग, त्रिवेन्द्रम को कर्मचारी राज्य बीमा नियम में उस राज्य का प्रतिनिधित्व करने के लिये नामनिर्दिष्ट किया है।

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 31) की धारा 1 के अनुसरण में, भारत सरकार के धर्म मन्त्रालय का अधिसूचना संख्या का० आ० 1517 दिनांक 14 अप्रैल, 1976 में निम्नलिखित संशोधन करती है, अर्थात्

उक्त अधिसूचना में “(राज्य सरकारों द्वारा धारा 4 के खंड (घ) के अधीन नामनिर्दिष्ट)” शीर्षक के नीचे मद 16 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जायेगी, अर्थात्—

“श्री सी० पी० नायर,

विशेष सचिव,

केरल सरकार,

धर्म तथा आवास विभाग,

त्रिवेन्द्रम।”

[संख्या ए०-16012/20/76-एच०आई०]

हम राज छाबड़ा, उप-सचिव

S.O. 2616.—Whereas the State Government of Kerala has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri C. P. Nair, Special Secretary to the Government of Kerala, Labour and Housing Department, Trivandrum to represent that State on the Employees' State Insurance Corporation, in place of Shri R. Ramachandran Nair ;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S. O. 1517, dated the 14th April, 1976, namely :—

In the said notification, under the heading “(Nominated by the State Governments under clause (d) of section 4)”, for the entry against item 16, the following entry shall be substituted, namely :—

“Shri C. P. Nair,

Special Secretary to the Govt. of Kerala,

Labour and Housing Department,

TRIVANDRUM.

[No. S. 35019 (101)/79-PF. II(i)]

HANS RAJ CCHABRA, Deputy Secy

New Delhi, the 16th July, 1979

AWARD

S.O. 2617.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Bombay in the industrial dispute between the management of Messrs Ivan Milutinovic-PIM, and their workmen which was received by the Central Government on the 9th July, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY
Reference No. CGIT-6 of 1974

Employers in relation to Messrs Ivan Milutinovic-PIM ;
AND
their workmen.

APPEARANCES :—

For the Management : Mr. M. Ostojic, Assistant Manager

For the Applicant : No appearance.

Industry : Ports & Docks
Bombay, the 2nd July, 1979

AWARD

The Government of India, in the Ministry of Labour vide its Order No. L-36012/9/74/PD/CMT dated 30th October, 1974 referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Messrs Ivan Milutinovic-PIM, Vasco-da-Gama in terminating the services of Shri Sk. Russein, Watchman, from the 12th July, 1974 is justified ? If not, to what relief is the workman entitled ?

2. Both the parties filed their statements. The matter was pending hearing. On 27-6-1979 a joint application was filed intimating to the Tribunal that there was an amicable settlement under which messrs Ivan Milutinovic-PIM Vasco-da-Gama agreed to pay a sum of Rs. 6000 towards the full and final settlement of the above case. Contents of the application were explained to the worker.

3. I consider the terms of this settlement fair and reasonable. I wanted to see that the cheque is prepared in the name of the workman. Cheque No. AH/47 157771 dated 2-7-79 is now shown to the Tribunal. Consequently I pass the Award in terms of the settlement. No order as to costs.

C. T. DIGHE, Presiding Officer
[No. L-36012/9/74-P&D/CMT/D. IV(A)]
NAND LAL, Desk Officer

New Delhi, the 17th July, 1979

S.O. 2618.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Punjab & Sind Bank Ltd., Maharajpur Branch, Jabalpur and Shri Ranjit Singh Tiwana over termination of his services w.e.f. 12-4-78, which was received by the Central Government on 29-6-79.

BEFORE SHRI S. N. JOHRI, B.Sc., LL. M. PRESIDING OFFICER, CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case No. CGIT/LC(R)(59)/1978

PARTIES :

Employers in relation to the management of Punjab and Sindh Bank Ltd., Jabalpur,

AND

Their workman, Shri Ranjit Singh Tiwana, represented through the Madhya Pradesh Bank Employees Association, C/o United Commercial Bank, Wright Town, Jabalpur (M.P.).

APPEARANCES :

For Union :—Shri U. S. Malviya.

For Bank :—Shri B. B. Mahajan, Advocate.

INDUSTRY : Bank :—DISTRICT : Jabalpur (M. P.).

Dated : June 12, 1979.

This is a reference made by the Government of India in the Ministry of Labour, vide its Order No. L-12012/53/78-D. II. A, dated 15th December, 1978, for the adjudication of the following industrial dispute :—

“Whether the action of the management of Punjab and Sind Bank Limited, Maharajpur Branch, Jabalpur in terminating the services of Shri Ranjit Singh Tiwana w.e.f. 12-4-1978 is justified ? If not, to what relief is the workman entitled ?”

2. The following particulars of Shri Ranjit Singh Tiwana are not disputed by the parties :—

His formal apprenticeship period was from 4-4-1977 to 10-10-1977.

His formal probationary period was from 13-10-77 to 12-4-1978.

On the expiry of the said probationary period he was relieved of the charge on 12-4-1978. The relieving letter did not give any reason for being so relieved. His work and conduct during apprenticeship period had been quite satisfactory or good.

3. Union's case is that as during the apprenticeship period Shri Tiwana was made to work independently against leave vacancy etc. therefore the apprenticeship period should be deemed to be probationary period and as such on the expiry of six months from the date of the commencement of the said formal apprenticeship period he should have been confirmed in service. Thus he should be deemed to have been confirmed on 4-10-1977. His discharge therefore could not be a discharge under the terms and conditions of service and it should be deemed to be a discharge by way of punishment. In any case it is alleged that his discharge on 12-4-1978 was not a bonafide exercise of managerial power under the terms of the contract of service, it amounted to victimisation and was not justified under the circumstances.

4. Management's case is that during apprenticeship period Shri Tiwana was made to work on various counters under guidance. He was never allowed to work independently. The mere working independently could not change the nature of employment which Shri Tiwana had specifically accepted while applying for the post before being taken up on probation. His work and conduct were found unsatisfactory and therefore he could not be confirmed in service and had to be retrenched.

5. Ex. M/2 is his letter of appointment as an apprentice which lays down the terms. Those terms were accepted by Shri Tiwana. Moreover after the completion of apprenticeship period Shri Tiwana applied for the post vide application Ex. M/4 dated 12-10-1977 in which he specifically admitted that he worked in Maharajpur Branch office for six months as an apprentice clerk. Both these admissions go to show that he was actually working as an apprentice clerk during that period. He could not now come down and say that the apprenticeship period should be deemed as a probationary period.

6. It has come in evidence that once during apprenticeship period he had to discharge the function of the cashier independently when the cashier went on leave. This few days working could at the most entitle him to the wages of that post but it was not sufficient to convert that period into probationary period.

7. Even if for argument's sake it is accepted that his apprenticeship period was converted into probationary period he cannot be deemed to have been confirmed merely due to influx of time of six months. Confirmation requires a specific order of the management. No such order of confirmation was passed and as such he will be deemed to have been continued on probation. Automatic confirmation is no part of the service conditions.

8. However, it appears that the termination of his service on the expiry of his probationary period was not a bonafide

exercise of power. It did amount to victimisation. Ex. M/7 to M/11 are the monthly assessment report submitted by the Manager of the Branch during Shri Tiwana's apprenticeship period. According to these reports his behaviour with the staff and customers was good and his capability was normal. He earned almost similar remarks after working on various counters. The then Manager appears to have been satisfied with this work and conduct and no report against his work and conduct was ever lodged by that Manager against Shri Tiwana till he was there. However, about a month before the completion of the probationary period by Shri Tiwana Shri Pritam Singh Narang came on transfer and joined the Branch in September, 1977 as Manager. For some reason of the other he became annoyed with Shri Tiwana and submitted an adverse report against him. According to that report Shri Tiwana was good only in health. In respect of his dress, appearance, manners, standards of hand-writing and punctuality he was assessed as an average. His appearance is quite good and I do not see any reason why it should be average. To this extent report is not very material. But importance lies on the fact that Shri Narang, Manager, within one month of his arrival came to the assessment that Shri Tiwana's conduct and behaviour with the staff, his job knowledge and intelligence, his initiative and team spirit in office, Enthusiasm and Devotion to duty, Reliability, Quality of work, Out turn of work and Loyalty fall below average. Shri Narang admitted that he did keep any record and assessment was not based on any factual data. He admitted that he did not remember if there was any incident which could make him think that the loyalty of Shri Tiwana had gone below average. Thus his remark about loyalty does not appear to be justified remark.

9. About conduct and behaviour with the staff Shri Narang tried to cite an incident in which allegedly Shri Tiwana assaulted a Chowkidar. When he was confronted with the situation as to what action did he take when he came to know about it, Shri Narang replied that as Chowkidar and Shri Tiwana compromised the matter, he could not take any action. The management has not examined that Chowkidar, Mr. Joshi, for proving this fact. Merely by one such incident it could not be presumed that the conduct and behaviour of Shri Tiwana with the staff was below average specifically when there is no evidence to show, and there was no occasion to confirm that the Chowkidar was not at fault. The fact that no other such incident happened is sufficient enough to prove that the remark of Shri Narang on this point was not a justified remark. Any such remark about conduct and behaviour should be based on the habit generally and not on one single uninvestigated incident and that too where it is not ruled out that the quarrel was not picked up or initiated by Shri Tiwana.

10. Similarly Shri Narang could not justify his remark against loyalty. With respect of quality of work, job knowledge and intelligence the adverse remark had no meaning because Shri Narang had admitted that except for some cuttings and overwritings there was no other defect which he could point out. With respect to his adverse comments on his capacity to work (job knowledge and intelligence, quality of work and out turn of work taken together) Shri Narang pointed out that Shri Tiwana could not finish his work within the prescribed working hours and had to be paid over time. That is why he so reported against him. The chart filed by the management at the instance of this Tribunal, goes to show that over time was allowed to almost all the three clerks alternatively. There was thus nothing special with Shri Tiwana and the delay did not tell adversely upon his out turn, job knowledge or intelligence, enthusiasm or devotion. Shri Narang could not point out as to what defect did he find in the working of Shri Tiwana. Thus the adverse report submitted by Shri Narang was a prejudicial assessment of his personality which prejudice was caused by his impression, as admitted by him, that Shri Tiwana was arrogantly behaving with him. Even here Shri Narang has not been able to define in what respect the behaviour was arrogant; he could not cite a single instance. Thus the whole reporting about the work and conduct of Shri Tiwana made by Shri Narang, appears to be an incorrect prejudicial and baseless assessment arising out of polluted vision from self imposed concept that Shri Shri Tiwana was arrogantly behaving with him.

11. His report is mechanically endorsed by the Area Manager and also by the Zonal Manager. During the probationary period Area Manager, according to Shri Narang (M.W. 1),

came to the branch only once. There is no evidence that he discovered any defect in the working or conduct of Shri Tiwana, nor there is any evidence that he made any enquiry about his work and conduct. He left no adverse inspection report after inspection. Shri Narang has admitted that it was he who reported against Shri Tiwana to the Area Manager that he was not working satisfactorily and thereupon the area manager reprimanded him. Here again the area manager acted on what ever representation was made by the manager without ascertaining its truth and similarly without knowing anything about Shri Tiwana the area manager mechanically endorsed the remarks of the manager on the report Ex. M/14. The column for the comments of the area manager; seek his own independent opinion and not mere routine and mechanical endorsement of the opinion of the branch manager.

12. The Zonal Manager had absolutely no occasion to visit the branch. This has been admitted by Shri Narang. He did not know anything about Shri Tiwana and yet he mechanically endorsed the report and comments submitted as afore-said.

13. I am therefore of the view that the coloured prejudicial glasses with which the work and conduct of Shri Tiwana was assessed by Shri Narang continued to vitiate the reasons of the higher officers, as well who acted merely mechanically. From these circumstances it can well be inferred that termination of Shri Tiwana's services was not bona fide exercise of the contractual or managerial powers. It only amounted to victimisation.

14. In Management of Brooke Bond India Ltd. Vs. Y. K. Gautam (1973 (10) SCLJ P. 311) it has been held that:—

"There can be no doubt that the Tribunal can, in a case where an industrial dispute is raised go into the question of the validity of the order of termination even in the case of a probationer whose service have been dispensed with before the probation expired and without assigning any reason. What has, therefore, to be seen is whether the action of the appellant is malafide or whether it amounts to victimisation of the employee or is an unfair labour practice, or is so capricious and unreasonable as would lead to the inference that it has been passed for ulterior motive and is not bonafide exercise of the power arising out of the contract."

15. The management was therefore not justified in terminating the service of Shri Ranjit Singh Tiwana with effect from 12-4-1978. As there was nothing against his character conduct, behaviour or capability, he should have been confirmed in the normal course. He should therefore be deemed to have continued in confirmed service from that date onwards. The management shall pay all back wages to him and grant him all consequent service benefits besides paying Rs. 100 as costs to the Union.

S. N. JOHRI, Presiding Officer

[No. L-12012/53/78-D. II(A)]

S. K. MUKHERJEE, Under Secy.

New Delhi, the 18th July, 1979

S.O. 2619.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Messrs Indian Iron and Steel Company Limited (Ore Mines), Post Office Gua, and their workmen, which was received by the Central Government on the 17th July, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 25 of 1975

PARTIES :

Employers in relation to the management of Messrs Indian Iron and Steel Company Limited (Ore Mines), P. O. Gua.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri T. K. Jagdeesh, Advocate.

For the Workmen—Shri Lalit Burman, with Shri P. Majumdar, General Secretary, United Mineral Workers' Union, Manoharpur (Singhbhum).

STATE : Bihar.

INDUSTRY : Light Railway.

Dhanbad, dated, the 13th July, 1979

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-26011(2)/75-D. 2(B) dated 27-5-1975, for the adjudication of the following industrial dispute :

"Whether the demands of the workmen of manoharpur Light Railway of Messrs Indian Iron and Steel Company Limited, against the management for (a) introduction of a three shift duty system for the steam-men, (b) provision of a steam helper to assist steam-men, and (c) not taking any shunting work from steam-men, are justified? If so, to what relief are the concerned workmen entitled?"

2. It is not disputed that three shift working system was in vogue for the steam-men working in the loco shed of Manoharpur Light Railway of M/s Indian Iron & Steel Co. Ltd. The company runs locomotives between Anque, Chiria, Duiya and Manoharpur stations for transport of loaded ores from the mines situated there. Duiya mine was closed and with it three shift working system for steam-men was discontinued since December 1969. Since then the steam-men are to work only in two shifts. The first shift runs from 3 p.m. to 11 p.m., while second shift runs from 11 p.m. to 7 a.m. The third shift, running from 7 a.m. to 3 p.m., has been so discontinued since December 1969. At present Sri Banka Oraon and Sri Herman Bage are the two steam-men working in the two shift in rotation. In the first shift, the steam-man is required to do the job of (a) lighting the fire, (b) raising steam and do other allied jobs. The second shift steam man has to (a) bank the fire, (b) check with the help of coir strings if there is any obstruction in the loco boiler tubes and clean the same if found, (c) mind water gauge, (d) clean smoke box when necessary and (e) do other allied jobs. No helper has been provided to the steam-man and now it is admitted by both the parties that the steam-men are not required to do shunting work. Therefore part (c) of the dispute contemplated in the schedule of reference is infructuous and needs no decision.

3. The management raised legal issue against maintainability and validity of the reference. They have been answered against the management vide order dated 4-6-1979 passed by this Tribunal.

4. On merits the case of the workmen is that discontinuance of three shift system has increased the work load on the two steam-men who have since been deprived of the helper which were previously provided to them.

5. Management's case is that since the closure of Duiya mine the work load has considerably reduced and the loco is not required to be re-steamed in the third shift as it used to be when Duiya mine was in operation. There is thus no increase of work load on these steam-men. They were never provided with a helper. Under an agreement with the union, they were placed in unskilled category. No unskilled workman is provided with a helper hence the question of providing helper to steam-men does not arise.

6. There is no evidence that the work load has increased due to the reduction in the number of shifts. Neither of the two steam-men is required to work overtime and it is clear from the evidence of the management that the number of locomotives has also been reduced, as many of them have gone out of order. Arranging the shifts is a managerial function and the Tribunal is entitled to interfere when the reduction in the number of shifts is done with some ulterior motive or affects adversely the workman by increase in the work load etc. No such circumstance has been established in the case. On the other hand it is evident that the three shift was discontinued and two shift system was introduced about ten years ago in December 1969. No dispute was raised on that point for about five years. The dispute was for the first time raised in the year 1974. This delay in raising the dispute goes against the genuineness of the demand made by the union. A system in which they had a contented working for about five years could not be ordered to be changed on whims unless there are strong reasons.

7. Lastly the reference does not require this Tribunal to adjudicate about the discontinuance of three shift system. It wants this Tribunal to examine the demand of the introduction of three shift system. I am afraid that the Tribunal has no jurisdiction to order introduction of a new system of three shifts. The jurisdiction to mend on the ground of reasonability a shift system already introduced by the management, has to be distinguished from the question or ordering a fresh introduction of a new system of three shift. For all these reasons the demand (a) contemplated in the schedule to the reference appears to be unjustified.

8. It is admitted that the steam-men have been categorised as unskilled workers and the management's witness, being responsible officer, has stated on oath that no unskilled workman is provided with a helper. He has stated that there is or was no designation of a steam-man helper and this statement is supported by the register of appointment Ext. M-29 filed by the management. The concerned workman Sri Oraon did state that initially he was appointed as a steam-man helper but he has not been able to produce any such appointment letter or other documentary evidence in support of that contention. In his statement as WW-1 he stated that he was helping Sri Dubraj who was working as steam-man. Dubraj has not been examined to support his version. Similarly he stated that when he became the steam-man Sri Rajendra Lohar was working with him as helper for sometime. Even Rajendra Lohar has not been produced in evidence to corroborate his version. He again stated that previously when Sri Radha Madhab, Dobraj and Gofu were working as steam-men, he himself, Rajendra Lohar and Dudhua were working as their helpers. None of them has been examined. Sri Oraon appears to be a simple confused person. It was difficult to extract an answer from him and as such his solitary statement is not sufficient to contradict the statement given by Sri S. J. Singh, Senior Manager, MW-1 which as said above is corroborated by the appointment register. Under the circumstances it is established by preponderance of evidence that the steam-men as unskilled workmen are not entitled to and were never provided with a helper. The nature of work also goes to show that no helper is necessary because according to Sri Singh MW-1 they get sized coal, tank filled with water and broken wood. They have only to place the wood and coal under the boiler and light the fire. The process of banking the coal is still an easier process and no helper is required for that job. Therefore part (b) of the schedule of the reference is again answered in negative that the demand of the workmen in that respect is not justified. Part (c) as already said is infructuous because it is admitted that no shunting is being done by the steam-man.

9. The reference is answered accordingly.

S. N. JOHRI, Presiding Officer

[No. L-26011(2)/75-D. II(B)]

HARBANS BAHADUR, Desk Officer